

Local Law Filing

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County City Town Village
(Select one.)

of Minden

Local Law No. 2 of the year 2021

A local law Subdivision of Land - Chapter 77
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Minden as follows:

See Attached Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Town of Minden Local Law No. 2 of 2021

A Local Law Enacting a New Subdivision Law for the Town of Minden

Local Law 2 of 2021

Be it enacted by the Town Board of the Town of Minden, Montgomery County, New York as follows:

Part 1. Title.

This Local Law shall be known as the Subdivision Law of the Town of Minden, Montgomery County, NY.

Part 2. Enactment.

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to Article 2 of the New York State Statute of Local Governments.

Part 3. Purposes and Background

The purpose of this Local Law is to rescind and replace the Town of Minden Subdivision law previously adopted and amended. Further purposes are to implement the 2007 Town of Minden adopted Comprehensive Plan. The Plan outlined a variety of land use regulatory changes needed to address ongoing and new issues facing the Town, including those specifically related to subdivision of land.

Part 4. Amendment of Chapter 77. Subdivision of Land

Chapter 77 of the Code of the Town of Minden shall be repealed in its entirety and shall be replaced by the following Chapter entitled "Subdivision of Land."

Chapter 77, SUBDIVISION OF LAND

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ARTICLE I, General Provisions

§ 77-1. Authority and Repeal and Replacement of Prior Subdivision Law

- A. Authority of Planning Board; intent; title. By the authority of the resolution of the Town Board of the Town of Minden, originally adopted on 6-17-1999, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Minden is authorized and empowered to approve plans 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 and final plats within that part of the Town of Minden outside the limits of any incorporated village. Further, the Town of Minden, under the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, and by Article 2 of the New York State Statute of Local Governments, supersedes Town Law Section 276 (8).
- B. By this Local Law, the Town Board of the Town of Minden hereby repeals the Town's prior Subdivision Law and replaces it in its entirety with this Subdivision Law which, after adoption, shall be set forth in the Town of Minden Town Code at Chapter 77 . This repeal and replacement shall take effect at the moment this Local Law Subdivision Law becomes effective, without impairing, however, rights that may have accrued under the prior Subdivision Law before the repeal.

§ 77-2. Purpose.

- A. It is declared to be the policy of the Town of Minden to consider land subdivision plats as part of a plan for orderly efficient, and economical development of the town and as a means for meeting the goals as established in the Town of Minden Comprehensive Plan, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health, and welfare of its population. 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 to health or peril from fire, flood or other menace; that proper provisions shall be made for drainage, water supply, sewerage 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 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. Further purposes of this law, consistent with the Town Comprehensive Plan are to:
- Protect working agricultural landscapes, open spaces, scenic vistas, and environmentally sensitive areas;
 - Preserve historic resources and the historical settlement pattern and character of the Town;

- Promote small-scale retail and services businesses designated locations that minimize adverse environmental and fiscal impacts on the community;
- Promote the economic viability of farms, appropriate tourism, and related enterprises;
- Allow for a variety of housing types available to all ages and income levels;
- Promote green building practices;
- Ensure that new infrastructure is appropriate in location and scale to promote the rural character desired by the Town;
- Minimize adverse traffic impacts associated with new development;
- Encourage growth and development that supports recreational opportunities; and
- Preserves environmental resources including, but not limited to ground and surface water resources, wildlife habitats, dark skies, and air quality.

§ 77-3. Administration.

This chapter shall be administered by the Town of Minden Planning Board.

§ 77-4. Fees.

Application filing, consulting, environmental quality review and inspection fees shall be set by Town Board resolution. A filing fee shall be paid to the Town Clerk pursuant to the fee schedule as set by resolution of the Town Board.

§ 77-5. Applicability, Validity, and Effective Date.

- A. Any subdivision of any parcel of land as defined in Article II of this chapter is subject to these regulations.
- B. If any Article, subsection, paragraph, clause, or other provision of this Law shall be held invalid, the invalidity of such section, subsection, paragraph, clause, or other provision shall not affect any of the other provisions of this Law.
- C. This law shall become effective upon filing with the New York State Department of State.

ARTICLE II, Definitions

§ 77-6. Definitions.

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

ADEQUATE PUBLIC FACILITIES – Facilities determined to be capable of supporting and servicing the physical areas and designated intensity of the proposed subdivision as determined by the Planning Board.

AGRICULTURAL DATA STATEMENT - A document which identifies farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an application has been filed with the Planning Board, Zoning Board of Appeals,

and/or Town Board as provided in section 305-a of Article 23-AA of the NYS Agriculture and Markets Law.

AVERAGE LOT SIZE - The average size of all lots to be subdivided from a parcel. Use of an average lot size instead of a minimum lot size in the Agriculture District allow for easier protection of open spaces. Parcels subdivided using an average lot size reduces individual lot areas and bulk requirements but the number of lots remains the same as permitted without lot averaging.

BLOCK – A tract of land bounded by streets, or by a combination of streets and public parks, rights of way, or boundary lines of municipalities.

BUFFER - Open spaces, landscaped areas, fences, walls, berms, or any combination used to physically separate or screen one use or property from another to visually shield or block noise, lights, or other nuisances.

BUILDING - Any structure which is permanently affixed to the land, has one or more floors, walls and a roof for the shelter, support or enclosure of persons, animals, chattels, or property of any kind.

BUILDING ENVELOPE – The space within which a structure and its supporting infrastructure is permitted to be built on a lot and that includes the building, driveway, and any lands disturbed for well and septic systems.

BUILDING FOOTPRINT - The area of a building structure defined by the perimeter of the building not including driveways, parking lots, landscapes and other nonbuilding facilities.

CLUSTERED SUBDIVISION - A planned development in which lots are platted with less than the minimum lot size and dimension requirements of land use regulations, if such exist, but which have access to common open space that is a part of the overall development plan approved by the Planning Board. There are two features that distinguish what is thought of as a "true" cluster subdivision. The first is a characteristic of design and site planning in which several houses are grouped together on a tract of land. Each cluster of houses serves as a module, which is set off from others like it by an intervening space that helps give visual definition to each individual group. The second characteristic of the cluster subdivision, as it is often proposed, is the presence of undeveloped land that is held for the common enjoyment of the neighboring residents or the community at large. A cluster subdivision is designed as per this chapter and Chapter § 90-13 (B) of the Town of Minden Code.

COLLECTOR STREET — A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

COMPLETE APPLICATION - An application for development that has been reviewed under SEQRA Part 617 and has received either a negative declaration by the reviewing board or a draft environmental impact statement has been accepted by such board.

COMPREHENSIVE PLAN - A long-range plan for the development of the town.

CONCURRENCY – Requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impacts or occupancy of development projects.

CONDITIONAL APPROVAL OF FINAL PLAT - Approval by the Planning Board of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office of the county clerk.

CONSERVATION EASEMENT - A conservation easement is a voluntary legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values.

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

CONTIGUOUS – When at least one boundary line of one lot touches a boundary line or lines of another lot.

CUL-DE-SAC - A street or lane closed at one end; having no outlet except by the entrance.

DATE OF RECEIPT OF COMPLETED TOWN OF MINDEN APPLICATION - A complete application shall be deemed received by the Planning Board on the date of the first regular meeting of the Planning Board following the filing of the completed Town of Minden application and supporting plans with the Planning Board.

DEAD-END STREET— A street or a portion of a street with only one vehicular traffic outlet. A cul-de-sac is a form of a dead-end street.

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

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

ESCROW – A deposit of cash with the Town to secure the promise to perform some act required by the Planning Board.

FARM OPERATION - Shall include the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production,

preparation and marketing of crops, livestock and livestock products including a commercial horse boarding operation as a commercial enterprise and as per Section 305 of New York State Agriculture and Markets Law 25-aa.

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

FINAL PLAT -- A scale drawing, in final form and clearly marked "final plat," 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, after final plat approval, may be duly filed or recorded by the applicant in the office of the County Clerk.

FINAL PLAT APPROVAL -- The signing of a final plat by a duly authorized officer of a Planning Board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the County Clerk.

FISCAL IMPACT ANALYSIS - an analysis of the projected total costs and revenues associated with a specific development application where the costs include, but are not limited to, those related to town, fire, ambulance, police, school, highway, and other municipal infrastructure.

FLOODPLAIN OR FLOOD PRONE AREA - A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded. See also flood related terms included in Chapter 54 (Flood Damage Prevention).

FRONTAGE - The extent of a building or of lot along a street or road.

HOME-OWNERS ASSOCIATION (HOA) – A Community association, other than a condominium association that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or other common facilities. HOAs commonly hold title to common property, manages and maintains such common property, and enforces certain covenants and restrictions that may be in place. Condominium association differs from an HOA in that condominium associations do not have title to common property.

IMPERVIOUS SURFACE OR COVER - Those surfaces in the landscape which do not have a permanent vegetative cover and/or cannot effectively infiltrate rainfall, snowmelt, and water, which replaces naturally pervious soil with impervious construction materials, including but not limited to building rooftops, pavement, sidewalks, driveways, and roads with a surface of compacted dirt or gravel, asphalt or concrete, decks, and swimming pools. Regardless of the construction materials used, any area which is used for driveway or parking purposes, including disturbed grass, ground cover, or dirt, shall be considered impervious surface.

IMPORTANT AESTHETIC FEATURES - Denotes elements of Minden's architecture and landscape that have been identified by the community as significant to the local quality of

life and sense of place. They may be specific elements such as structures, scenic roads, parks, waterways, crossroads, and stone walls; or they may be more diffuse resources such as open spaces, formal/informal historic districts, and scenic views. In Minden, these include historic structures and landscapes, country roads, agricultural fields and operations, views of the Mohawk River, streams and wetlands, and hamlet areas.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. A lot is a parcel of land having defined boundaries: except as otherwise provided in this chapter, a lot shall be of sufficient size to meet minimum zoning and requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street unless where excepted by this chapter, or on an approved private street, and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or a parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

LOT AREA -- The total horizontal area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER -- A lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135°.

LOT COVERAGE -- The percentage of the lot area covered by the combined area of all buildings, structures, parking areas or other impervious surfaces on the lot.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

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

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINES -- The property lines bounding a lot. The front line shall be the right-of-way line of a street, road, or highway giving access to the lot. In the case of a corner lot, the owner may designate either street, road or highway lot line as the front lot line.

LOT, THROUGH -- A lot having frontage on two approximately parallel or converging streets, other than a corner lot.

LOT WIDTH -- The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

LOT LINE ADJUSTMENTS: A type of minor subdivision where there is a modification in either of the boundary line between two adjoining parcels of land or in a deeded easement

providing driveway access to the lot access, transferring a piece of property from one parcel to the abutting parcel which does not result in the creation of any new lot or create or increase any noncomplying condition related to area or bulk or other dimensional requirement established by the Town of Minden zoning law. A lot line adjustment cannot create an additional lot, nor shall a line change make an existing lot nonconforming, or more nonconforming. A lot line adjustment also includes the merging of two existing lots with separate tax parcels identification numbers.

LOT OF RECORD - A lot, which is part of a subdivision, the approved, filed map of which is recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOW IMPACT DEVELOPMENT – is a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds.

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

MAJOR SUBDIVISION - Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities. Includes the resubdivision of a major subdivision, and a series of related minor subdivisions on land that cumulatively amount to the creation of five or more lots from any original parent parcel as of the November 18, 2021.

The Town of Minden has determined that piecemeal subdivision of large properties where a small number of individual lots are subdivided off to circumvent major subdivision regulations will have a detrimental impact on neighborhood character, preservation of open space and agricultural lands, and the ability to provide traditional development patterns. Therefore, where four or more lots are subdivided from any parcel within a five-year period, the fifth lot shall be deemed a major subdivision.

MASTER or COMPREHENSIVE 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.

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

MINOR SUBDIVISION — Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan or Chapter 90 Zoning, or these regulations.

MOBILE MANUFACTURED HOME -- A mobile manufactured home is a structure, transportable in one (single-wide) or more sections (double-wide), which in the traveling mode is 12 body feet or more in width or 40 body feet or more in length, or when erected on site, is 720 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Every mobile manufactured home shall bear a plate of approval from HUD. A 'Tiny' Home shall also be considered a mobile manufactured home when it is built with a permanent trailer or chassis.

MOBILE MANUFACTURED HOME PARK - A parcel of land which has been planned and improved for the placement of six or more mobile manufactured homes for non-transient use in a residential zone that has access to Village water and sewer.

OFFICIAL SUBMISSION DATE -- The date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed and acknowledged by the Planning Board.

OPEN SPACE - Land left in a natural state for conservation and agricultural purposes or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, historic, geologic, or botanic sites. It shall also mean land left in a natural state and that is devoted to active or passive recreation. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, used for playgrounds or manicured recreational lands such as ball fields, lawns, or occupied by any structure except agricultural buildings. Open space may be included as a portion of one or more large lots provided the lot(s) are greater than 5 acres in size and are contiguous to form a larger un-fragmented open space area or may be contained in a separate open space lot but shall not include private yards within 50 feet of a principal structure.

PARCEL - A designated tract, or area of land established by a plat and/or that having its own Tax Map number or described in a deed or otherwise permitted by law.

PLANNING BOARD - The Town of Minden Planning Board.

PLAT -- A scale drawing or drawings showing the layout of a proposed subdivision, including, but not restricted to, road and lot layout and dimensions, key plan, topography and drainage and all proposed facilities.

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

PRELIMINARY PLAT APPROVAL -- the approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the sections of this local law.

PRIMARY CONSERVATION AREA -- The area delineated in a conservation subdivision to

have priority resource areas to be conserved including, but not limited to streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, and groundwater recharge areas.

RESUBDIVISION - The further division of parcels, lots, plots, sites or other division of land or the relocation of lot lines of any lot within a subdivision previously made and approved or recorded according to law; or changes in the lines of existing streets, highways, or public areas within any such subdivision; but not including conveyances made so as to combine existing lots by deed or other instrument.

REVERSE FRONTAGE LOT - Lots with the rear lot line abutting an existing or proposed street.

RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, sidewalk, road shoulder, crosswalk, railroad, utility line, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

ROAD -- A public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, which affords the principal means of access to abutting property.

ROAD, MAJOR - A road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties.

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

ROAD, PRIVATE -- An access drive or roadway that is longer than 500 feet, privately owned and maintained, and not meant for use by the general public.

RURAL CHARACTER – Describes the individual or collective qualities and attributes of Minden’s physical and visual landscape that embody or evoke the events, places, traditions, struggles, movements, and personalities of its past. Historic character also describes the unique architectural style and scale, including proportion, form, and architectural detail. The physical layout of the community, its landscape patterns, its roads, and other elements also contribute strongly to Minden’s historic character.

SCREENING – Vegetation, fencing, or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lessen noise, lighting, or visual impacts from a particular site or from adjacent land uses.

SENSITIVE ENVIRONMENTAL FEATURE - Refers to a natural resource that has a high potential for significant damage or degradation from direct or cumulative impacts arising from new development or shifts in existing land uses. Some sensitive environmental features have been inventoried mapped or identified as being locally, regionally, nationally, or globally significant for its rarity and/or degree of threat faced. Typical examples include but are not limited to, wetlands, streams/river corridors, steep slopes, floodplains, highly erodible soils, and aquifer recharge and discharge areas, and habitats of rare or

endangered species.

SEQRA (State Environmental Quality Review Act) - Review of an application according to the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617 (Statutory Authority: Environmental Conservation Law, § 8-0113), which incorporates the consideration of environmental, social, and economic factors into the planning, review and decision-making processes of state, county, and local government agencies.

SETBACK - The distance in feet between a building or other use and any lot linear designated point.

SKETCH PLAN - A scale sketch of a proposed subdivision 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.

STEEP SLOPES - Any slope with topographic gradient of 15% or higher. Slopes of 15% but less than 25%. These slopes are defined and measured as sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal when there are five (5) adjacent contour intervals of two (2) feet each so that in aggregate, they delineate a slope of at least fifteen (15) percent but less than 25%. Slopes of 25% or more. These slopes are defined and measured as sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each so that in aggregate, they delineate a slope of at least twenty-five (25) percent.

STREET - A public way which affords the principal means of access to abutting property.

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

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

SUBDIVIDER - A person firm, corporation, partnership, or association, who is the record owner or the authorized agent of the record owner of the land proposed for shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION PLAT or FINAL 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.

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

TOWN ENGINEER — The duly designated engineer of the Town of Minden Planning Board.

UNDEVELOPED PLAT - A plat where 20% or more of the lots within the plat are unimproved, unless existing conditions, such as poor drainage, have prevented their development.

VIEW SHED – The geographical area that is visible from a location. It includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees).

WATER BODY - Any natural or man- made body of water, such as a pond, lake, wetland, or wet area which does not necessarily flow in a definite direction or course.

WATERCOURSE - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainageway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and bank and any area adjacent thereto subject to inundation by reason of overflow, flood, or stormwater. For the purpose of this chapter of the Town Code, the term "watercourse" shall be deemed to include ponds and lakes.

WETLANDS - Any wetlands, as that term is defined by the NYS DEC in Article 24 Fresh Water Wetlands, Title 23 of Article 71 of the ECL and or as defined by Section 404 of the Clean Water Act.

YARD, FRONT -- An open, unoccupied, and unobstructed space on the same lot with a main building, extending the full width of the lot and situated between the front property line and the front line of the main building projected to the side lines of the lot.

YARD, REAR -- A space on the same lot with a main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

YARD, SIDE -- An open unoccupied space on the same lot with a main building, situated between the sideline of the main building and the adjacent sideline of the lot extending from the front yard to the rear yard. Any lot line not a front line or rear line shall be deemed a sideline.

ARTICLE III, Review and Approval Procedure

§ 77-7. Purpose

- A. The purpose of this article is to establish the procedure for Planning Board review and action on applications for subdivisions. The procedure is intended to provide orderly and expeditious processing of such application. Whenever any subdivision or resubdivision or lot line adjustment of land is proposed to be made and before any contract for the sale of, or any offer to sell, any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.

§ 77-8. Review procedure for minor subdivisions. Minor subdivisions shall be processed in the following steps:

- A. Sketch plan conference.
- B. Application for final plat approval. Environmental Assessment Form must be completed and submitted with application. Note that for a minor subdivision, the preliminary plat and final plat shall be the same.
- C. Planning Board review of final plat and Environmental Assessment Form.
- D. Public hearing.
- E. Planning Board determination of environmental significance pursuant to SEQR.
- F. County Planning Board review pursuant to GML 239-m, if required.
- G. Planning Board action on final plat

§ 77-9. Sketch Plan Conference

- A. Submission of sketch plan. Any owner of land shall, prior to subdividing, completing a lot line adjustment, or resubdividing land, submit to the Secretary of the Planning Board at least 10 days prior to the regular meeting of the Board three copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article IV for the purposes of classification and preliminary discussion.
- B. Discussion of requirements and classification. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Further, the Planning Board shall discuss the requirements as to general layout of streets and for protection of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, including schools.
- C. 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, resubdivision or lot line adjustment as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the appropriate set of procedures as outlined in these regulations.

- D. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board.

§ 77-10. Review of Minor Subdivisions.

- A. Application and fee.

- (1) Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article IV.

- (2) All applications for plat approval for minor subdivisions shall be accompanied by a fee as set forth from time to time by the Town Board.

- B. Number of copies. Seven copies of the subdivision plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.

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

- D. When officially submitted. The time of submission of the subdivision is considered to be the date of the regular monthly meeting of the Planning Board at least 10 days prior to which the application for plat approval, determined to be a complete application for review by the Planning Board and accompanied by the required fee and all data required by Article IV of these regulations has been filed with the Secretary of the Planning Board.

- E. No preliminary plat is required in a minor subdivision. The minor subdivision application shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for subdivision review of such plat shall begin upon filing of such negative declaration or such notice of completion.

- F. Public Hearing; Notice; Decision When Planning Board is Lead Agency for SEQR.

- (1) Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the

Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

- (a) If such Board determines that the preparation of an environmental impact statement is not required, the public hearing shall be held within 62 days after the receipt of a complete final plat by the Planning Board; or
 - (b) If such Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.
- (2) Public hearing; notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. 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 final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (3) Decision. The Planning Board shall make its decision on the final plat as follows:
- (a) If such Board determines that the preparation of an environmental impact statement on the Final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days after the date of the public hearing; or
 - (b) If such Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat.
 - (c) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

G. Public Hearing; Notice; Decision When Planning Board is Not Lead Agency for SEQR.

- (1) Any application for a minor subdivision where the Planning Board is not Lead Agency pursuant to NYS ECL Part 617 (SEQR) shall follow all procedures and requirements of New York State Town Law 276 (5) (e).

H. Approval and certification of final plats.

- (1) Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval, and a copy of such resolution and plat shall be filed in such Secretary's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board, and a copy of such signed plat shall be filed in the office of the Secretary of the Planning Board or filed with the Town Clerk as determined by the Town Board.
 - (2) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to ensure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
 - (3) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval, unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend, by not more than two additional periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
- I. Filing of decision on final plat. Within five business days from the date of the adoption of the resolution stating the decision of the Board on the final plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk. The owner shall file in the office of the County Clerk such approved final plat within 62 days from the date of final approval or such approval shall expire. The signature of the duly authorized officer of the Planning Board on the plat shall constitute final approval.

- J. Notice to County Planning Board or Agency or Regional Planning Council. When a County Planning Board or Agency or a Regional Planning Council has been authorized to review subdivision plats pursuant to § 239-n of the General Municipal Law, the Secretary of the Planning Board shall refer all applicable preliminary and final plats to such County Planning Board or Agency, or Regional Planning Council as provided in that section.

§ 77-11. Waiver for Lot Line Adjustments

- A. An applicant may request that the subdivision review process be waived when a proposed subdivision is a lot line adjustment as defined in this local law meets the following criteria:
- (1) Would not create an additional lot;
 - (2) Is a minor modification of an existing lot line; or is the conveyance and merger of a portion of one parcel to an adjoining parcel;
 - (3) Would not create a nonconforming parcel or cause any other parcel to become nonconforming;
 - (4) Would comply with all applicable zoning requirements and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.
- B. To request such a waiver, the applicant shall submit:
- (1) A waiver application (as may be developed by the Town);
 - (2) A plat or map, developed by a licensed surveyor, of the parcels affected by the proposed adjustment, showing all existing buildings, the location of existing utility or other easements or rights-of-ways, proposed or existing wells and septic systems. The map shall also show the road or street name, identification as to zoning district, names of all adjacent property owners, any streams, wetlands or floodplain area, the existing lot lines and the location of the proposed new lot line, the existing and new setback distances to any existing buildings, and an agricultural data statement, if required. The map shall have the title "LOT LINE ADJUSTMENT between properties of (name) and (name)", and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot;
 - (3) A fee as may be established by the Town Board.
- C. Upon submission of a complete application for a lot line adjustment, the Planning Board shall determine if a public hearing shall be required. The public hearing as per 77-10 (F) may be waived at the sole discretion of the Planning Board. If the public hearing is not waived, all requirements of 77-10 (F) shall be met.

- D. Lot line adjustments are generally considered a Type II action (exempt) under SEQRA.
- E. Within sixty-two (62) days of the close of a public hearing, or if no public hearing was held, within sixty-two (62) days of the Planning Board determining that the application is complete, the Planning Board shall review the application and shall either approve, approve with modifications, or deny the application. Approval may be granted when the Planning Board determines that the proposed adjustment meets all requirements for a Lot line Adjustment and would not adversely affect the site's development or neighboring properties, would not alter the essential characteristics of the neighborhood, or adversely affect the health, safety, or welfare of town residents.
- F. If the waiver is granted and the lot line adjustment approved, the applicant shall file a map with the County Clerk within sixty-two (62) days of the approval date. The map shall be stamped with the official stamp of the Town of Minden Planning Board.
- G. No person shall file plans for any lot line adjustment without first obtaining the Planning Board's signature and stamp on the plans.
- H. If the Planning Board denies the request for waiver, the applicant may proceed with the subdivision review process as set forth in this chapter.

§ 77-12. Review procedure for major subdivisions.

- A. Major subdivisions shall be processed in the following steps:
 - (1) Sketch plan conference (mandatory).
 - (2) Application for preliminary plat approval. Environmental Assessment Form must be completed and submitted with application along with the required filing fee.
 - (3) Planning Board review of Environmental Assessment Form and preliminary plat.
 - (4) Planning Board determination of environmental significance pursuant to SEQR.
 - (5) Public hearing on Preliminary Plat.
 - (6) County Planning Board review pursuant to GML 239-m, if required.
 - (7) Planning Board action on preliminary plat.
 - (8) Final plat submittal to Planning Board.
 - (9) Planning Board review.
 - (10) Public hearing on Final Plat (optional).
 - (11) Planning Board action on final plat.

§ 77-13. Preliminary plat for major subdivision.

- A. Application and fee.

- (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision. The preliminary plat shall, in all respects comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and § 77-30 of these regulations, except where a waiver may be specifically authorized by the Planning Board.
 - (2) The application for approval of the preliminary plat shall be accompanied by a fee as set forth from time to time by the Town Board.
- B. Number of copies. Seven copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a regular monthly meeting of the Planning Board.
 - C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.
 - D. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan and Chapter 90, Zoning.
 - E. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least 10 days prior to which the application for conditional approval of the preliminary plat, complete for review by the Planning Board and accompanied by the required fee and all data required by § 170-23 of these regulations has been filed with the Secretary of the Planning Board.
 - F. Conditional approval of the preliminary plat.
 - (1) Submission of preliminary plats. All preliminary plats shall be clearly marked "preliminary plat" and shall conform to the definition pursuant to this chapter.
 - (2) Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
 - (3) Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

- (4) Public Hearing; Notice; Decision When Planning Board Is Lead Agency under the State Environmental Quality Review Act.
 - (a) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
 - [1] If such Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Secretary of the Planning Board; or
 - [2] If such Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.
 - (b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
 - (c) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:
 - [1] If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, such Board shall make its decision within 62 days after the close of the public hearing; or
 - [2] If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement

shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

- (d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state, in writing, any modifications it deems necessary for submission of the plat in final form.
- (5) Public Hearing; Notice; Decision When Planning Board Is Not Lead Agency under the State Environmental Quality Review Act.
 - (a) All procedures and requirements of New York State Town Law 276 (5) (e) shall be met when the Planning Board is not serving as lead agency pursuant to Part 617 (SEQR).
- (6) Notice to County Planning Board or Agency or Regional Planning Council. When a County Planning Board or Agency or Regional Planning Council has been authorized to review subdivision plats pursuant to § 239-n of the General Municipal Law, the Secretary of the Planning Board shall refer all applicable preliminary and final plats to such County Planning Board or Agency, or Regional Planning Council as provided in that section.
- (7) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the Secretary of the Planning Board as having been granted preliminary approval, and a copy of the plat and resolution shall be filed in such Secretary's office. A copy of the resolution shall be mailed to the owner.
- (8) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution stating the decision of the Board on the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.
- (9) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.

- (10) When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any with respect to the specific changes which it will require in the subdivision plat, the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare, the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board, plus any conditions attached thereto, shall be noted on all copies of the preliminary plat. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Town Board.
- (11) Conditional approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

§ 77-14. Final Plat for major subdivision.

- A. Application for approval and fee. The subdivider shall, within six months after the conditional approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application form available from the Secretary of the Planning Board. All applications for final plat approval for major subdivisions shall be accompanied by a fee as set forth from time to time by the Town Board. If the final plat is not submitted within six months after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.
- B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Secretary of the Board with seven copies of the application and the plat, the original and one true copy of all offers of cession, covenants, and agreements, and two prints of all construction drawings, at least 10 days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.
- C. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least 10 days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article IV of these regulations has been filed with the Secretary of the Planning Board.

- D. Endorsement of state and county agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Montgomery County Public Health Department. Application for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary town, county, and state agencies. Endorsement and approval by the Montgomery County Public Health Department shall be secured by the subdivider before official submission of the final subdivision plat. Any other permits required with any other state, county or federal agency shall also be properly endorsed prior to final plat approval.
- E. Public hearing for final plat. A public hearing shall be held by the Planning Board after the preliminary plat is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the final plat application. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing. The public hearing for subdivisions may be waived by the Planning Board if the final plat is in substantial agreement with the preliminary plat.
- F. Approval of final plats.
- (1) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Secretary of the Planning Board.
 - (2) Final plats not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, the following shall apply:
 - (a) Planning Board as lead agency; public hearing; notice; decision.
- [1] Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
- a. If such Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within 62 days after the receipt of a complete final plat by the Secretary of the Planning Board; or

- b. If such Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.

[2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. 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 final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

[3] Decision. The Planning Board shall make its decision on the final plat as follows:

- a. If such Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat, within 62 days after the date of the public hearing; or
- b. If such Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification,

disapprove or grant final approval and authorize the signing of such plat.

[4] Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The Planning Board shall state in writing any modifications it deems necessary for approval of the final plat.

(b) Public Hearing; Notice; Decision When Planning Board is Not Lead Agency. All procedures and requirements of New York State Town Law 276 (6)(d)(ii) shall be met when the Planning Board is not deemed lead agency under SEQR.

G. Approval and certification of final plats.

(1) Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval, and a copy of such resolution and plat shall be filed in such Secretary's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board, and a copy of such signed plat shall be filed in the office of the Secretary of the Planning Board or filed with the Town Clerk as determined by the Town Board.

(2) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to ensure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.

(3) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval, unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

H. Filing of decision on final plat. Within five business days from the date of the adoption of the resolution stating the decision of the Board on the final plat, the

Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

- I. Notice to County Planning Board or Agency or Regional Planning Council. When a County Planning Board or Agency or Regional Planning Council has been authorized to review subdivision plats pursuant to § 239-m of the General Municipal Law, the Secretary of the Planning Board shall refer all applicable preliminary and final plats to such County Planning Board or Agency, or Regional Planning Council as provided in that section.

§ 77-15. Filing of approved subdivision plat (both minor and major).

- A. Final approval and filing. Upon completion of the requirements for a preliminary and final plat and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 62 days of the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act, shall become null and void.
- B. Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed, in writing, on the plat, unless said plat is first resubmitted to the Planning Board, and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

§ 77-16. Public streets; recreation areas.

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement or other open space shown on such subdivision plat. 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, a third party, or an HOA, if one exists, and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such street, easement, or other open space.
- B. Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a plat and required by the Planning Board pursuant to New York State Town Law 277 (4), the approval of said plat shall not constitute an acceptance by the town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect.

The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

§ 77-17. Consultation fees.

The Planning Board shall have the power to retain such independent engineers and consultants as it deems necessary in order to provide it with information and guidance regarding any application before it. In the event that the Board determines that such engineers or consultants shall be required with regard to a particular application, it shall notify the applicant of the amount of the actual expense to be incurred, and the applicant shall, prior to any further review of his application by the Board, remit the entire cost of said engineers' or consultants' fees to the Planning Board. The Planning Board shall thereupon cause the engineering or consultant work to be done and proceed with the review of the application.

§ 77-18. New York State Department of Health.

New York State Department of Health approval may be required for any subdivision containing five or more lots. Early contact by the subdivider with such department is advised.

§ 77-19. Guarantees for required improvements.

Prior to final plat approval, the subdivider shall construct all required infrastructure and improvements. As an alternative, a performance bond or other security sufficient to cover the full cost of same shall be furnished to the town by the subdivider as provided in Article VI of these regulations.

§ 77-20 to 24 Reserved.

ARTICLE IV, Documents to be Submitted

§ 77-25. Purpose.

The documents to be submitted are intended to provide the approving authority (Planning Board) with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this chapter.

§ 77-26. Requirements.

The documents to be submitted are shown on the following pages. In specific cases and for documented reasons, the approving authority may waive the submission of a particular document. The reason for the waiver shall be indicated in the minutes of the approving authority.

§ 77-27. Sketch plan. Information required for all plat submissions.

The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 20 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:

- A. A completed Town of Minden Subdivision Application Form and the required fee.
- B. Name and address of subdivider and professional advisors who may appear in public with subdivider or on subdivider's behalf.
- C. Map of property prepared and stamped by a licensed land surveyor in the State of New York, at a scale of one inch to 50 feet or one inch to 100 feet, and on appropriate material. All such maps must be printed upon linen or canvas-backed paper or drawn with a pen and India ink upon tracing cloth or printed on Mylar and must be a minimum of 8 1/2 inches by 11 inches, and a maximum of 34 inches by 44 inches in size, showing:
 - (1) Subdivision name; the Tax Map section, block, and lot number(s); scale; North arrow; location map showing on a Tax Map, USGS map or street map the general location of the plat, and date.
 - (2) Subdivision boundaries.
 - (3) Contiguous properties and names of owners.
 - (4) Sketch of existing and proposed roads, sidewalks, utilities, structures, parking lots and drainage system which are either proposed, mapped, or built.
 - (5) Watercourses, marshes, wooded areas, public facilities, and other significant physical features on or near the site.
 - (6) Proposed layout of lots, including lot widths and depths, and general road layout, recreation areas, open space, drainage, water supply and sewage disposal facilities.
 - (7) Land contours at ten-foot intervals, or other suitable indicators of slope.
 - (8) Proposed alterations of existing topography.
- D. Copy of Tax Map(s), block, and lot numbers, if available.
- E. Existing restrictions on the use of land, including easements, covenants, and land-use regulations.
- F. Total acreage of subdivision and number of lots proposed.

§ 77-28. Agricultural data statement.

- A. An application for any subdivision approval that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district shall include an agricultural data statement.
- B. In addition to the information required in § 77-27, an agricultural data statement shall include the following:
 - (1) The name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the property is proposed; and
 - (2) A Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

§ 77-29. Minor Subdivision.

In case of minor subdivision only, the subdivision plat application shall include the following information:

- A. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- B. All information specified under §§ 77-27 and 77-28, updated and accurate.
- C. Data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line, sufficient to allow for the reproduction of such lines on the ground.
- D. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Engineer and shall be referenced and shown on the plat.
- E. A statement that all on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the Montgomery County Public Health Department, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- F. Proposed subdivision name, name of the town and county in which it is located.
- G. The date, North point, map scale, name and address of record owner, subdivider and licensed engineer or land surveyor, including license number and seal.
- H. The plat to be filed with the County Clerk shall be no larger than 34 inches by 44 inches.

- I. Any additional information which is deemed necessary by the Town of Minden Planning Board.
- J. Environmental Assessment Form.
- K. Any required fees.

§ 77-30. Major subdivision preliminary plat and accompanying data.

The following documents shall be submitted with all applications for conditional approval of a preliminary plat subdivision:

- A. Seven copies of the plat map, drawn to scale. The map scale shall be one inch to 100 feet but preferably not less than 50 feet to the inch unless otherwise specified by the Planning Board, showing all information specified under §§ 77-27, 28 and 29, updated and accurate.
- B. Proposed subdivision name, name of town and county in which it is located, date, true North point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
- C. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
- D. Zoning District, including the exact boundary lines of district, if more than one district.
- E. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- F. Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, eroded areas, single trees with diameter of 12 inches diameter at breast height or more, and other natural existing features for the proposed subdivision.
- G. Location of existing and proposed sewers, water mains, culverts and drains on the property, with pipe sizes, grades, and direction of flow.
- H. Contours with intervals of five feet or less as required by the Board, including elevations on existing roads.
- I. The width and location of any existing and proposed roads streets or public ways within the area to be subdivided, and the grades and road street profiles of all roads streets or public ways proposed by the developer.
- J. The approximate location and size of all proposed water lines, valves, hydrants and

sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in Public Health Law; lines; profiles of all proposed water and sewer lines.

- K. Storm drainage plan, indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.
- L. Plans and cross sections showing location of proposed and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and subbase; and the location of any manholes, basins, and underground conduits.
- M. Preliminary designs of any bridges or culverts which may be required.
- N. The proposed lot lines with approximate dimensions and area of each lot.
- O. Any easement proposed or required shall be shown on the plat. .
- P. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer and shall be referenced and shown on the plat.
- Q. 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 an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in terminating portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- R. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract. All parcels of land proposed to be dedicated to public use and the conditions of such use.
- S. Grading, erosion control and landscaping plans.
- T. Any additional information as deemed necessary by the Planning Board.
- U. If the major subdivision is to be designed as a conservation subdivision pursuant to 77-47, all information as required in Section 77-47.
- V. Any required fees.

§ 77-31. Final plat, major subdivision.

The following shall be submitted with all final plats submitted for approval for a major

subdivision:

- A. All information from above 77- 27, 28, 29.
- B. One copy of the plat to be submitted to the County Clerk, drawn with ink on Mylar or such other material as is acceptable for filing and then 34 inches by 44 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of 1/2 inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map, wherever practical. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:
 - (1) Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located; the name and address of record owner and subdivider: name, address, license number and seal of the surveyor and/or engineer. clearly marked "Final Plat," plus three copies. The map scale shall be one inch to 100 feet unless otherwise specified by the Planning Board. Street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use.
 - (2) Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every street line, lot line and boundary line, sufficient to allow for the reproduction of such lines on the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and, in any event, should be tied to reference points previously established by a public authority.
 - (3) The length and bearing of all straight lines, radii, length of curves and central angles of all curves. Tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true North point.
 - (4) The plat shall also show, by proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
 - (4) Proposed subdivision name and the name of the town and county; the name and address of record owner and subdivider: name, address, license number and seal of the surveyor and/or engineer.
 - (5) Road lines, pedestrian ways, lots, easements, and areas to be dedicated to public use.

- (6) Data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line, sufficient to allow for the reproduction of such lines on the ground.
- (7) The length and bearing of all straight lines, radii, length of curves and central angles of all curves. Tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true North point.
- (8) Construction detail sheets. Construction drawings, including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm sewers or ditches, pavement and subbase, manholes, catch basins and any other facilities which are to be provided.
- (9) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- (10) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing town practice.
- (11) Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
- (12) All lot corner markers shall be permanently located satisfactorily to the Town Engineer or consultants, at least 3/4 inches (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
- (13) Monuments of a type approved by the Town Engineer or consultants shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.
- (14) A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Article VI, said map shall be submitted prior to final approval of the subdivision plat. However, if the subdivider elects to provide a bond or certified check for all required improvements [as specified in Article VI, such bond shall not be released until such a map is submitted in a form satisfactory to the Planning Board.

- C. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- D. Permanent reference monuments shall be shown at block corners and other points selected by the Planning Board.
- E. Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed.
- F. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, subbase, and other facilities.
- G. Evidence of legal ownership of property.
- H. Existing and proposed deed restrictions, in form for recording.
- I. Any other data such as certificates, affidavits, endorsements, or other agreements as may be required by the Planning Board.

§ 77-32. Waiver of submission requirements.

The Planning Board may waive, when reasonable, any requirements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety, and general welfare.

ARTICLE V General Requirements and Design Standards

§ 77-33. Minimum requirements.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth in this section. These standards shall be minimum requirements and shall be waived by the Board only under circumstances set forth in 77-48.

§ 77-34. Character of land; Comprehensive Plan; required improvements.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- B. Conformity to Comprehensive Plan. Subdivisions shall be in harmony with the Town Comprehensive Plan.

- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the town specifications.

§ 77-35. Street layout.

- A. Width, location, and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform with the Comprehensive Plan and Official Map of the town as they may exist or shall conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of the land. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties, shall be coordinated to compose a convenient system, and shall be designed to be consistent with other low volume, residential roads found in Minden.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, 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 such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than 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. The number of future lots created shall be determined from the size of the parent parcel as existing on November 18, 2021, and from the density requirements of the Town of Minden zoning law.
- F. Dead-end streets. The creation of dead-end or loop residential streets are discouraged. When no other feasible grid or modified grid pattern of streets can be designed, and the Board finds that dead-end or loop streets are the only feasible alternative and they will not interfere with normal traffic circulation in the area, the Planning Board may approve them. In the case of dead-end streets,

where needed or desirable, 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. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets or streets on an approved subdivision plat for which a bond has been filed. Where dead-end streets are necessary, a T or hammerhead style shall be designed. Cul-de-sacs shall be limited.

- G. Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved footpath be included.
- H. Intersection with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- I. Street jogs. Street jogs with center line offsets of less than 125 feet shall be avoided.
- J. Angle of intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins. Roads shall not intersect at angles of less than 60°. Right-of-way lines at right-angled intersections shall be rounded by curves of at least 20 feet radius. All other intersections shall be rounded by curves suitable to the Planning Board.
- K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- L. 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 the installation by subdivider of fence or suitable barricade for the protection of residents in the general vicinity.
- M. Erosion and sediment control. All erosion and sediment control measures shall be designed in accordance with the latest edition of the New York Stormwater Design Manual. In particular, Chapter 5 of that Manual (Low Impact Development) shall be incorporated to the maximum extent feasible.
- N. House numbers shall be consistent with the numbering system currently in effect.
- O. Roadside vegetation shall not be planted in such a way as to impair snow removal

and safe driver visibility at intersections.

- P. The Town Highway Superintendent and the appropriate Fire Chief shall be consulted by the Planning Board for an advisory opinion prior to the approval of any plat containing a new road or any plat containing lots whose only existing or proposed access to a public road is by easement or right-of-way.

§ 77-36. Street design

(When not indicated on the Comprehensive Plan, the classification of streets shall be determined by the Planning Board with approval from the Highway Superintendent):

A. Widths of right-of-way. Streets shall have the following widths.

(1) Minimum width right-of-way:

- (a) Local: 50 feet.
- (b) Collector: 60 feet
- (c) Major: 66 feet.

(2) Minimum width of pavement:

- (a) Minor and local, low residential roads: 18 feet.
- (b) Major roads: 24 feet.

(3) Minimum width of shoulders: four feet.

B. Improvements. Streets shall be graded and may be required to be improved with pavement. The Town may also require curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety, and general welfare. Pedestrian easements shall be provided as required by the Planning Board or Town Engineer. Such grading and improvements shall be approved as to design and specifications by the Town Engineer or consultant.

- (1) Fire hydrants. The Planning Board may require the provision of a supply of water for fire-fighting purposes consisting of dry hydrants and a water source. This supply may be provided through fire hydrants connected to a community water supply system or by means of fire ponds. The design, location and capacity of fire ponds and hydrants shall conform to standards and specifications of the National Fire Protection Association and be acceptable to the Chief of the fire department in whose district the subdivision is located. Hydrants shall be of size, type and location specified by the Insurance Services Organization. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New

York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

- (2) Streetlighting. Poles, brackets, and lights, where required, shall be of size, type and location approved by the local power company. Lighting facilities shall be in conformance with the lighting system of the town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized town electrical inspector.
- C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
 - D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
 - E. Grades. Grades of all streets shall conform in general to the terrain and shall not be less than one nor more than 6% for major or collector streets, or 10% for minor streets in residential zones, but in no case more than 3% within 50 feet of any intersection.
 - F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as to meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.
 - G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least a twenty-foot radius, and curbs, if required, shall be adjusted accordingly. In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the center line of streets shall be not less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.
 - H. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot, whether at an intersection entirely within the subdivision or of a new street with an existing street, shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility. The maximum grades shall be:

(1) Minor roads: 10% or 14% on short runs.

(2) Major roads: 6% to 8%.

(3) Minimum braking sight distance:

(4) Minor roads: 200 feet.

(5) Major roads: 300 feet.

I. Watercourses.

(1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.

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

J. Service streets or leading space in commercial development. Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

K. Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

§ 77-37. Street names.

A. Type of name. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. All streets shall have suitable names and not numbers or letters.

B. Street names shall not duplicate the names of existing or platted streets. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Extensions of existing roads shall bear the name of the extended road. Generally, no street should change direction by more than 90° without a change

in street name. Signs bearing road names shall be erected by the subdivider at all intersections consistent with specifications for existing signage. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board.

C. House numbers shall be consistent with the numbering system currently in effect.

§ 77-38. Road construction standards.

A. Road improvements shall be installed by the subdivider.

B. Roads shall be built as follows:

- (1) Remove topsoil a minimum of six inches prior to the laying of base material.
- (2) Subgrade. Subgrade shall be rough graded the full width of the road right-of-way. The subbase shall consist of a suitable gravel and stone material approved by the Town Highway Superintendent and compacted the full width of the road right-of-way to a depth of 12 inches.
- (3) Base course.
 - (a) Base course of gravel should be minimum of eight inches with a maximum size stone of four inches.
 - (b) Top course of gravel a minimum of four inches with maximum size stone of two inches.
- (4) Bituminous asphalt concrete.
 - (a) Base should be a minimum of three inches compacted depth.
 - (b) Topcoat to have a minimum of two inches compacted depth.

C. All slopes shall be graded and seeded.

(1) Fill slopes.

D. Where streets are constructed on new fill, the side slopes of the fill shall be as follows:

| Fill Height (feet) | Slope (Vertical and Horizontal) |
|--------------------|---------------------------------|
| 0 to 15 | 1 to 4 or flatter |
| Higher than 15 | 1 to 2 or flatter |

E. Guard railing. Where streets are constructed on fills of greater than 15 feet in height, guard railing shall be installed along the side of the road, eight feet from the edge of the pavement.

F. Any dead-end roadways shall have a sufficient turning radius for school buses and emergency vehicles.

- G. The Planning Board, after consultation with the Highway Superintendent, may reduce standards for roadway surface based on the size of the subdivision and anticipated traffic levels.

§ 77-39. Sidewalks.

- A. General. The Planning Board may require sidewalks to be constructed as part of a subdivision. When required, a sidewalk shall be a walking surface with a minimum width of five feet and constructed of concrete designed to service pedestrians. The Planning Board may allow for sidewalks on one or both sides of the new street. Further:
 - (1) In order to facilitate safe and convenient pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements of at least 20 feet in width may be required.
 - (2) In areas of heavy vehicular or pedestrian traffic, sidewalks may be required.
 - (3) All required sidewalks shall be installed at the expense of the subdivider and shall conform to the specifications of the Planning Board.

§ 77-§ 77-40. Water supply.

- A. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board. The subdivider shall connect each lot at the property line with the public water supply. If no water supply is required, individual on-site wells shall be designed to meet the specifications of the New York State Department of Health.
- B. Waterlines, valves, and hydrants shall meet the Recommended Water System Design Standards of the Insurance Services Office of New York. 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 Comprehensive Plan, the Official Map and any water system plan adopted by the Town of Minden. Subdivision water systems shall be connected to the Town system, if available and feasible.
- C. 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 Minden water system plans. Main sizes shall be as required by the Town in accordance with Town water system plans with no main less than eight inches in size. Dead-end mains shall be avoided whenever feasible. When permitted, however, a blow off or hydrant shall be installed. An eight-inch main loop

longer than the maximum length permitted by the Recommended Water System Design Standards may be permitted, provided that it is temporary and that final construction drawings show intersecting mains conforming to these design standards.

- D. In subdivisions where on-site water supply systems will be utilized, a dry water supply system may be required by the Planning Board to be provided within the road right-of-way or utility easement for future use when service becomes available.
- E. Valves. Valves shall be American Water Works Association 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.
- F. 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 Recommended Water System Design Standards. Maximum spacing between hydrants shall be 500 feet.
- G. Services. Services shall be of approved material at least three-fourths-inch inside diameter and shall include, in any service where there are multiple services from a common source of supply, a dual check valve on the intake side of the water meter or, if there is no water meter, just inside the building foundation.

§ 77-41. Sewage disposal.

- A. If, in the opinion of the Planning Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a neighborhood system, the subdivider shall provide sanitary sewers and laterals for each lot for such service. Where public or neighborhood sanitary sewers are not feasible, the subdivider shall provide and install an individual system for each lot or a sewage treatment facility adequate for all proposed development within the subdivision, in accordance with state and local requirements.
- B. In case the subdivider sells lots, rather than lots improved with houses, it shall be the responsibility of the subdivider to obtain approval of the proposed sewage disposal systems. The installation of the approved individual sewage disposal facilities shall be the responsibility of the purchasers.
- C. In order to determine that the proposed lots are large enough to accommodate future improvements, subdivision plats shall indicate the location of septic tank, leach field, water well and residence for each proposed lot. The size of the leach field will be based on percolation test results pursuant to State Health Department standards.
- D. General standards. A separate and independent waste disposal system shall be

provided for in new construction for individual household systems. No septic tank, absorption field, seepage pit, chemical toilet, privy, pipe or other means for the disposal or discharge of sewage or sink wastes shall be installed anywhere in the Town of Minden except as herein provided for in this Chapter. In addition to the individual aspects of the sewage treatment systems discussed in this section, the design and construction of all individual sewage treatment systems shall conform with the New York State Department of Health standards as filed with the New York State Secretary of State, 10 NYCRR Appendix 75-A, and any amendments or revisions thereto, more commonly known as "Wastewater Treatment Handbook, Individual Household Systems" (Waste Treatment Handbook, from here on referred to as the "Handbook"), or requirements of Montgomery County.

§ 77-42. Storm drainage.

A. General. 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.

B. Design criteria.

- (1) All components shall be designed for runoff from the entire contributing watershed taking future development into account. In addition, the design shall be considered as part of a larger storm drainage system and shall provide drains to the limits of the subdivision.
- (2) Chapter 5 of the New York State Stormwater Design Manual using Low Impact Development designs shall be used to the maximum extent feasible. In general, the following criteria shall be used in designing for storm drainage:
 - (a) Storm drainage systems shall be designed to accommodate a ten-year design storm.
 - (b) Stormwater management systems, when required, shall be designed to accommodate a twenty-five-year design storm with provisions to safely pass a one-hundred-year-storm event.
 - (c) Culverts to be installed to carry existing streams and waterways will be reviewed by the Town on an individual basis, and design criteria will be established at that time.

C. Grading.

- (1) 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 that grading is designed to prevent ponding and to direct water away from all buildings.
- (2) Lots having driveways sloping away from streets shall be designed to provide a

high point at or near the right-of-way. It is intended that this high point prevent street runoff from entering the lot.

- D. Erosion and sediment control. All erosion and sediment control measures shall be designed in accordance with the latest edition of the New York Guidelines for Urban Erosion and Sediment Control, by the Soil and Water Conservation Society and the New York State Stormwater Design Manual.

§ 77-43. Lot requirements.

- A. All approved subdivisions are required to conform with Town zoning regulations.
- B. Promote rural character in a major subdivision by reducing uniformity and monotony to the maximum extent practical. This can be accomplished by allowing variation of lot width and area of lots in order to eliminate the appearance of a standard subdivision.
- C. The Planning Board may allow for use of double frontage lots and single loaded streets to give more flexibility in design of a subdivision.
- D. Each lot shall directly abut a public or approved private road. This abutment shall include at least 15 feet of road frontage suitable for access by emergency vehicles. Easements may be considered for access. A private road constructed to the standards of § 77-35 to 38 of this chapter may be required.
- E. Corner lots shall have sufficient width to allow appropriate building setbacks from, and orientation to, all abutting roads.
- F. Each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops and unbuildable soils.
- G. Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for septic absorption fields or seepage pit systems as required by the New York State Uniform Building and Fire Code. A percolation test shall be required for each lot. Each lot shall be of sufficient size to accommodate on-site sewage disposal system and well pursuant to New York State Health Department standards.
- H. One or more off-street parking spaces may be required at the base of a steep driveway to facilitate parking, in inclement weather.

§ 77-44. Unique and natural features.

The following design guidelines apply to all subdivisions in Town and shall be incorporated into subdivision designs to the maximum extent feasible.

- A. Unique physical features such as historic landmarks and sites, existing stone walls,

rock outcrops, hedgerows, mature tree lines, and desirable natural contours and similar features shall be preserved and considered in the layout.

- B. All surfaces shall be graded and restored, leaving no unnatural mounds or depressions.
- C. Topsoil moved during construction shall be returned and stabilized by seeding and plantings. An erosion control plan may be required to prevent soil erosion and sedimentation of surface waters during construction. Erosion control measures shall conform to guidelines available from the Montgomery County Soil and Water Conservation District.
- D. The placement of buildings shall be located in such a manner as to avoid placement in the middle of open fields to the extent feasible. Building locations shall be at the edges of fields or in cleared areas next to fields wherever practical.
- E. Buildings shall be located where existing vegetation and/or topography provides a natural buffer and screening from roads and neighboring properties. Buildings shall be sited so that existing vegetation and topography can be used as a background or integrated into the building design to reduce the prominence of the structure.
- F. Buildings, structures, and other improvements should not extend above the existing ridgeline or alter the hillside or ridge profile significantly when viewed from the public streets, roads, water bodies, or facilities. In already developed environments, the appearance of the new development, when viewed by the public from public areas, should be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable.
- G. Clearing of vegetation and trees along roads shall be minimized as much as possible so long as adequate site distances for driveways are maintained. The use of curves in driveways should be encouraged to screen buildings so long as right-angle intersections with roads are maintained.

§ 77-45. Reservation of land for public park, playground, or parkland purpose.

- A. Before the Planning Board approves a subdivision plat containing residential units, such subdivision plat shall show, when required by the Planning Board, a park or parks suitably located for a playground or other recreational purposes.
- B. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring such park land. Findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision will contribute.
- C. If the Planning Board makes a finding that the proposed subdivision presents a proper case for requiring a park, but that a suitable park or parks of adequate size

cannot be located on the subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board.

- D. Any moneys required by the Planning Board in lieu of land for park, parks, or recreational purposes pursuant to this section shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.
- E. In determining whether or not to require the reservation of land for public park, playground or other recreational purpose, the Planning Board shall be guided by the criteria and procedures outlined below.
 - (1) Amount of land reservation. The minimum amount of land area to be reserved for public park, playground or other recreational purpose shall be determined by the number and type of new residential units located within the proposed residential development and shall be 1500 square feet per dwelling unit.
 - (2) Criteria for land reservation. In determining whether or not to require the reservation of land for public park, playground or recreational purposes, the Planning Board shall consider the following factors:
 - (a) Whether suitable land exists within the parcel boundaries of the proposed development, in terms of its size, shape, and dimensions, to reasonably accommodate a public park, playground or other recreation use.
 - (b) Whether the characteristics of the land in terms of topography, soils, vegetative cover, hydrology and/or other natural features readily lend themselves to development of the site for active recreation use.
 - (c) Whether there are state or federal regulatory restrictions that would limit the usefulness of the site for active recreation development.
 - (d) Whether the site, in terms of its physical characteristics, would provide an attractive and safe area for recreational use.
 - (e) Whether the site is located such that reasonable and safe pedestrian, bicycle and vehicular access can be provided between the site and surrounding residential areas.
 - (f) Whether the character of the proposed residential development and that of the surrounding area are compatible with a public park and/or recreational use.
 - (g) Whether the anticipated population of the proposed residential development, together with the population density of surrounding neighborhoods, is sufficient to justify development and long-term maintenance of a public park, playground, or other recreation facility at the location.

- (h) Whether the site is located near or duplicates recreation facilities already provided in the area, particularly those providing the same type of recreation opportunities, including facilities located on public school grounds.
 - (i) Whether development and long-term maintenance of the site would place an undue burden on the Town, given other commitments and priorities of that Department.
 - (j) Whether the site contains any unique and significant physical, aesthetic, or ecological features that would make it particularly suited for environmental education, trail development, a nature preserve, or other passive recreation use.
 - (k) Whether reservation of the land is consistent with recommendations contained in the Comprehensive Plan for the Town, if any, in effect at the time the development application is made.
 - (l) Whether reservation of the land is consistent with the general goals and objectives of the Town and the Town Board with respect to parks and recreation facility development.
- (3) Findings required. Prior to making any final determination that land will be reserved for public park, playground or other recreational purpose, the Planning Board shall make a finding, in accordance with § 274-a, Subdivision 6, or § 277, Subdivision 4, of the New York State Town Law that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town.
- (4) When land is required to be reserved for parks and recreation, a notation shall be placed upon the approved plan indicating that the land is so reserved and cannot be further subdivided or built upon except for such purposes.

§ 77-46. Unsuitable land for subdivisions.

As a safety measure for the protection of the health and welfare of the people of the town, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g., steep slopes, flood-prone areas, wetlands) shall not be included in any building envelope required by the Planning Board until adequate methods to mitigate adverse impacts are formulated by the subdivider and approved by the Planning Board.

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy or for any other uses that may increase danger to health, life, or property, or aggravate the flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation. Such land may also be improved in a manner that reduces the threat of localized and downstream flooding. All Subdivisions involving wetlands shall comply with the New York State Department of Environmental Conservation and U. S. Army Corps of Engineers regulations governing wetlands, as well as the wetland protection provisions of the Zoning Law.

The Planning Board may require the subdivider to study the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a 10-year storm, the Planning Board shall not approve the Subdivision until provision has been made for the improvement of such condition.

§ 77-47. Conservation Subdivision and Clustering

The purpose of this section is 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 economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.

Pursuant to Section 278 of the New York State Town Law, the Planning Board is authorized to require a conservation subdivision layout for any proposed major subdivision when, in their discretion, they determine that the project or parcel contains significant features of value to the community including but not limited to flood plains, steep slopes, wetlands, historic features, critical habitats, farmlands, or important scenic views. Application of a conservation subdivision shall also meet all requirements of the Town Zoning Law Section 90-13. When a conservation subdivision is proposed or required by the Planning Board, the following procedures and requirements shall be met. These shall be integrated into the other procedures for a major subdivision pursuant to this Chapter.

A. General Requirements

(1) Purposes

- (a) A purpose of this section is, through regulation of the subdivision of land, to plan for the orderly, economic, aesthetic, environmentally sound and efficient development of the Town consistent with its community character and the continuing needs of its people for conservation of natural and cultural resources, quality residential building sites and enjoyable open space. The Town of Minden is home to important agricultural lands, significant scenic viewsheds, historic architecture, natural beauty, and rural landscapes. This section has been carefully designed in recognition of the need to protect such resources as part of the land development process.
- (b) A purpose of this section of the Zoning Law is to uphold the Town of Minden Comprehensive Plan.
- (c) It is a purpose of this Article to supplement the Town of Minden Land Subdivision Regulations so that, when applied together, this Chapter can better achieve the purposes set forth above.

(2) Dimensional standards. The dimensional standards pursuant to Zoning 90-13 (C)

(d) shall be met whenever a conservation subdivision is proposed or required.

(3) Sketch plan and site analysis

(a) Sketch Plan. In addition to requirements for a sketch plan of Article III, Section 1 of the Town of Minden Land Subdivision Regulations, the following additional information shall be submitted by the applicant as a basis for informal discussions with the Planning Board regarding the design of a proposed major subdivision that is proposed or required to be a conservation subdivision design. The Planning Board shall evaluate the proposed subdivision during the sketch meeting. The Planning Board shall determine whether the Sketch Plan meets the purposes of this section. Complete and complex engineered plans and architectural drawings are premature and not required at this phase. The sketch plan shall contain:

[1] Site Analysis. The following site analysis shall be submitted by the applicant pursuant to this Chapter in addition to requirements of Article III, Section 1 of the Town of Minden Land Subdivision Regulations. A site analysis shall include an identification of primary and secondary conservation lands within a parcel(s). The site analysis shall include a Site Analysis Map that includes the information listed below. Conditions beyond the parcel boundaries may be generally described based on existing published data available from governmental agencies, or from aerial photographs. The applicant shall review all Minden maps, plans and studies including but not limited to the Comprehensive Plan. The applicant may obtain advice and assistance from an accredited land trust or environmental organization when preparing the site analysis. The site analysis is not intended to be a highly engineered or exact document, but a general sketch and description illustrating the location and type of environmental features that are present on the site including:

- a. Areas having where the slope exceeds fifteen percent (15%).
- b. Wetlands, vernal pools, areas of hydrological sensitivity including but not limited to aquifer and aquifer recharge areas, municipal water supply recharge areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any.
- c. Agricultural lands including farmland within, and adjacent to, a New York State certified Agricultural District, soils classified as being prime farmland or soils of statewide significance, if any, and the Land Prioritization Score found on the Town of Minden Farmland Prioritization Map.
- d. Sites where community sewer, community water, or community water and sewer are available or planned, if any.
- e. Lands within, or contiguous to, a Critical Environmental Area designated pursuant to Article 8 of the New York State Environmental Conservation Law, if any.
- f. Lands contiguous to publicly owned or designated open space areas,

- or privately preserved open spaces, if any.
- g. Historic structures or areas of national, state, or local importance, if any, and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places.
- h. Sites in, or bordering on, known scenic locations identified in the Town's Comprehensive Plan, if any.
- i. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened, or special concern species, or unique natural or geological formations, if any. This shall include a description of the biodiversity assessment methods used, site –specific habitat descriptions, discussion of biodiversity implications and alternatives, if needed, to minimize disturbance to sensitive habitats and species.
- j. General description and locations of the vegetative cover on the property according to general cover type including cultivated land, grass land, old field, hedgerow, woodland and wetland, and showing the actual line of existing trees and woodlands.
- k. Lakes, ponds or other significant recreational areas, or sites designated as such in the Town's Comprehensive Plan, if any.
- l. Existing trails, inactive railroad beds, bikeways, and pedestrian routes of Town, State or County significance or those indicated in any Town, County or State plan for future trail development, if any.
- m. Ridgelines on the property.
- n. Location of all existing streets, roads, buildings, utilities, and other man-made improvements.
- o. All easements and other encumbrances of property which are or have been filed of record with the Montgomery County Clerk's Office.

(4) Site design Process

(a) Subsequent to the Sketch Plan meeting and submission of the site analysis, a preliminary plat shall be developed pursuant to Article III, 77-13 of the Minden Land Subdivision Regulations. The submission requirements for a Preliminary Plat include the site analysis and the submission requirements pursuant to both this section and the Town of Minden Land Subdivision Regulations.

(b) All preliminary plans in a conservation subdivision shall include documentation of the following four-step design process in determining the layout of proposed conserved lands, house sites, roads, and lot lines. Applicants may be required to submit four separate sketch maps indicating the findings of each step of the design process if so required by the Planning Board:

[1] Step 1. Delineate Open Space Areas. Proposed open space areas shall be designated as follows:

- a. Primary Conservation Areas shall be delineated and designated on a

map.

- b. Secondary Conservation Areas shall be delineated and designated on a map. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the parcel in terms of their highest to least suitability for inclusion in the proposed open space in consultation with the Planning Board. Secondary Conservation Areas shall be delineated based on those priorities and practical considerations given to the parcel's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives. These features shall be clearly noted, as well as the types of resources included within them, on the map. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the parcel.
- c. Building envelopes shall not encroach upon Primary Conservation or Secondary Conservation areas. The primary and secondary conservation areas, together, constitute the total open space areas to be preserved, and the remaining land is the potential development area.

[2] Step 2. Specify Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.

[3] Step 3. Align Streets and Trails. After designating the building envelopes, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified in this Zoning Law and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, traversing steep slopes, and fragmenting agricultural lands. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be developed and maintained, and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate only when they support greater open space conservation or provide extensive pedestrian linkages. All applicable requirements of the Town of Minden Highway Law shall be met.

[4] Step 4. Draw Lot Lines. Upon completion of the preceding steps, lot lines are then drawn as required to delineate the boundaries of individual residential lots.

(c) Alternate Design Process. The Planning Board is authorized to require use of traditional neighborhood design (TND) if such layout is appropriate for the

parcel proposed to be developed and if it will result in a more effective open space design. For those subdivisions designed to be a TND, the design process shall be a variation on a conservation subdivision outlined in this law. Just as with non-TND developments, the first step is to identify open space lands, including both Primary and Secondary Conservation Areas. However, in TND's, where traditional streetscape is of greater importance, steps 2 and 3 in Sub-sections of Article V(C)(7)(d) and V(C)(7)(e) above may be reversed, so that streets and squares are located before house sites specified. TND's typically have higher density of development, reduced lot sizes, narrow front setbacks, narrow streets, sidewalks, and have a clear demarcation between built and unbuilt lands at the edge of the neighborhood.

(5) Site design criteria

(a) Residential structures in a major subdivision should be located according to the following guidelines, which are listed in order of significance. If any of the guidelines below conflict with each other on a particular site, the Planning Board may use its discretion to resolve such conflicts. The conservation subdivision may result in a cluster of houses but is not required to do so. A clustered subdivision should only be allowed where a municipal or small on-site centralized sewer is available or proposed. The lots, house sites, roads and other infrastructure in a proposed subdivision shall avoid or minimize adverse impacts by being designed:

- [1] On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use.
- [2] Away from the boundaries of any farm preserved with a conservation easement or other permanent protection, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm.
- [3] So that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads, or other barriers to minimize potential conflict between residential and agricultural uses.
- [4] To cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table by avoiding placement of impervious surfaces where water is most likely to infiltrate and recharge the groundwater.
- [5] To avoid disturbance to streams and drainage swales, floodplains, vernal pools, wetlands, and their buffers. Native vegetation shall be maintained to create a buffer of at least 25' and no other disturbance shall take place within 100' of wetlands and surface waters, including creeks, streams, vernal pools, springs, and ponds.
- [6] All grading and earthmoving on slopes greater than fifteen percent (15%) shall be minimized and shall only be to create a house site, driveway, and area for a septic system. Such grading shall not result in cut and fills whose highest vertical dimension exceeds eight (8) feet. Roads and driveways shall follow the line of existing topography to minimize the

required cut and fill.

- [7] To avoid disturbing existing cultural and scenic features. Views of house lots from exterior roads and abutting properties shall be minimized using changes in topography, existing vegetation, or additional landscaping. The layout shall leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. Where these scenic views or vistas exist, a deep non-vegetated buffer is recommended along the road where those views or vistas are prominent or locally significant.
- [8] To be as visually inconspicuous as practicable when seen from state, county, and local roads. The subdivision shall preserve woodlands along roadways, property lines, and lines occurring within a site such as along streams, swales, stone fences, and hedgerows to create buffers with adjacent properties. Preservation shall include ground, shrub, understory, and canopy vegetation.
- [9] To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads. House lots shall generally be accessed from interior streets, rather than from roads bordering the parcel. New intersections with existing public roads shall be minimized. Although two (2) access ways into and out of subdivisions containing twenty (20) or more dwellings are generally required for safety, proposals for more than two (2) entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.
- [10] On suitable soils for subsurface sewage disposal (where applicable).
- [11] Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.
- [12] Around and to preserve sites of historic, archeological, or cultural value insofar as needed to safeguard the character of the feature.
- [13] To protect biodiversity and wildlife habitat areas of species listed as endangered, threatened, or of special concern by either the United States Department of the Interior or the New York State Department of Environmental Conservation.

b. Open space standards:

- [1] The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed subdivision design shall strictly minimize disturbance of these environmentally sensitive areas. The lot layout shall show how those sensitive areas will be protected by the proposed subdivision plan.
- [2] Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space and wildlife corridors. Open space lands shall also be laid out in such a manner that preserves ecological systems that may be present on the site including, but not limited to, preserving wetlands, vernal pools, and their associated upland habitats.
- [3] Active agricultural land with farm buildings may be used to meet the

minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the parcel.

- [4] Open space land shall, to the maximum extent practicable, be contiguous to avoid fragmentation and to create a critical mass of land either available for agriculture or left in a natural state.
- [5] Open space lands shall be designated as one or more individual conservation lots owned in common or designated and included as part of one or more house lots. A portion of any house lot five (5) acres or more in size may be used for meeting the minimum required open space land provided that there is a permanent restriction enforceable by the Town that states the future use shall be restricted to open space such as undisturbed wildlife habitat, managed agricultural field, or managed forest, and that prevents development of, or use as, a mowed lawn on that portion of the parcel, and that is contiguous to other lands to form unfragmented open spaces. Any house lot less than five (5) acres does not qualify as contributing to open space.
- [6] Walkways, trails, play areas, drainage ways leading directly to streams, historic sites or unique natural features requiring common ownership protection may be included in the preserved open space lands.
- [7] The required open space may be used for community septic systems.
- [8] Stormwater management ponds or basins and lands within the rights-of-way for underground utilities may be included as part of the minimum required open space.
- [9] Recreation lands such as ball fields, golf courses, and parks shall not be considered part of the required open space unless such land is open to the public. Such recreational lands with access only to residents shall not be counted towards the open space requirements but shall be counted towards any recreation land requirement as per the Town of Minden Land Subdivision Regulations.
- [10] Open space shall be directly accessible or viewable from as many home sites as possible.

(6) Streets, driveways, and trails

- (a) Common driveway access may be provided. A pedestrian circulation and/or trail system shall be sufficient for the needs of residents, unless waived by the Planning Board.
- (b) New streets shall meet the Town Highway Specifications. Where appropriate, the Planning Board shall work with the Highway Department to ensure that the Town of Minden Highway Specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a conservation subdivision.

- (c) Use of reverse curves should be considered for local access streets in cluster subdivisions in conjunction with long horizontal curve radii [at least two hundred fifty (250) feet] and where traffic speeds will not exceed thirty (30) mph. Further, use of single-loaded streets is encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.
 - (d) Bike paths and other pedestrian trails are encouraged.
- (7) Protection of open space
- (a) All required open space shall be depicted and noted on the site plan as protected open space and restricted from further subdivision through one of the following methods to be proposed by the applicant and approved by the Planning Board:
 - [1] A permanent conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office. Due to the enforcement responsibilities carried out by easement grantees, this is the preferred method of ensuring permanent protection.
 - [2] A declaration of covenants or deed restriction, in a form acceptable to the Town, and recorded in the County Clerk's Office.
 - [3] A fixed-term conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office.
 - (b) Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a homeowner's association (HOA).
 - [1] Open space may also be dedicated to the Town, County or State governments, transferred to a qualified nonprofit organization including a land trust, or held by single or multiple private owners. The applicant shall provide proof that the receiving body agrees to accept the dedication.
 - [2] The Town seeks to ensure long-term maintenance of privately-owned lots dedicated to open space. When open space lands are proposed to be privately owned on a lot dedicated for open space use, and such lands are not subject to a conservation easement or are not to be transferred to a qualified non-profit organization or municipality, such lands shall be owned by an HOA, or shall be designated as a house lot allowing only one residence. This house lot shall be considered part of, and not in addition to, the allowed density the parent parcel is eligible for. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
 - [3] If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing

ownership, maintenance, and use restrictions for common facilities.

- a. If land is held in common ownership by a homeowner's association, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes, and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. The Planning Board shall find that the HOA documents satisfy the conditions above.
 - b. The homeowner's association shall be operating before the sale of any dwelling units in the development. The proposed homeowner's association shall be established by the applicant and shall comply with the requirements of Section 352-e of the New York State General Business Law and have an offering plan for the sale of lots in the subdivision approved by the New York State Department of Law, if required. If the NYS Department of Law grants an exemption from the requirement of an offering plan, the applicant shall have in place a maintenance agreement acceptable to the Town that ensures perpetual maintenance of the open space.
 - c. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.
 - d. The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
 - e. The association shall have adequate resources to administer, maintain, and operate such common facilities.
 - f. The conservation easement, declaration of covenants or deed restriction, or approved subdivision plan shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation, or similar purposes. The Planning Board shall approve the form and content of any easement, declaration, restriction, or subdivision plan. Regardless of which method of protecting the required or designated open space is selected, the restriction shall be made a condition of the final plat approval.
- [4] A conservation easement will be acceptable if:
- a. The conservation organization is acceptable to the Town and is a bona fide conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.
 - b. The conveyance contains appropriate provisions for proper reverting or re-transfer if the conservation organization becomes unwilling or unable to continue carrying out its functions.
 - c. A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to insure perpetual maintenance of the open space.
 - d. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall

define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

(8) Maintenance standards

- (a) The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space.
- (b) Failure to adequately maintain any improvements located on the undivided open space and keep them in reasonable operating condition is a violation of the Zoning Law. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance/restoration, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or in the case of an HOA, the owners of properties within the development, and if unpaid, shall become a tax lien on such property.

(9) Sewage treatment systems

Sanitary sewage disposal systems, whether individual or community systems, may be located within, or extend into, required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed and the ownership and maintenance responsibilities for those systems are clearly defined in agreements submitted for approval as part of the subdivision application. Applications shall be approved that provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.

(10) Future subdivisions

When an applicant includes only a portion of landowner's entire parcel, a sketch layout according to this section shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner and allocation of density as per the Town of Minden Zoning Law to ensure that subdivision may be accomplished in accordance with this section and to allow the Planning Board to adequately assess segmentation under the State Environmental Quality Review Act. Subdivision and review of the sketch plan of those locations at this stage shall not constitute approval of the future subdivision shown thereon.

§ 77-48. Waiver of standards.

The Planning Board may waive, subject to appropriate conditions, the provision of any or

all of such improvements as in its judgment of the special circumstances of a particular plat or plats are not required in the interest of the public health, safety, and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of infrastructure adjacent or in proximity to the subdivision. All such waivers shall be in writing and voted on by the majority of the Planning Board.

ARTICLE VI, Financial Guaranties for Public Improvements

§ 77-49. Purpose.

Improvement guaranties shall be provided to ensure the proper installation and maintenance of required street, utility, and other improvements. The nature and duration of the guaranty shall be structured to achieve this goal without adding unnecessary costs to the developer.

§ 77-50. Required public improvements.

If required by the Planning Board Pursuant to Article VI of this chapter, applicants for subdivision plat approvals shall provide the town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public improvements.

§ 77-51. Required improvements and Performance Bond or Other Security.

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

A. Performance bond or other security.

- (1) Furnishing of performance bond or other security. As an alternative to the installation of infrastructure and improvements, as above provided, prior to planning board approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board or the Town Engineer, where such estimate is deemed to be acceptable by the Planning Board, shall be furnished to the town by the owner.
- (2) Security where plat approved in sections. In the event that the owner shall be authorized to file the approved plat in sections, approval of the plat may be granted upon the installation of the required improvements in the section of the plat filed in the office of the county clerk or register or the furnishing of security covering the costs of such improvements. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the county clerk or register and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.

B. Form of security. Any such security must be provided pursuant to a written security agreement with the town, approved by the Town Board and also approved by the

Town Attorney as to form, sufficiency, and manner of execution, and shall be limited to:

- (1) a performance bond issued by a bonding or surety company;
 - (2) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state;
 - (3) an irrevocable letter of credit from a bank located and authorized to do business in this state;
 - (4) obligations of the United States of America; or
 - (5) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a Town account at a bank or trust company.
- C. Term of security agreement. Any such performance bond or security agreement shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three (3) years, provided, however, that the term of such performance bond or security agreement may be extended by the Planning Board with consent of the parties thereto. If the planning board shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Town Board, the Planning Board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board.
- D. Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the Town Board may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.
- E. Costs of Improvements. The costs of all required improvements shall be borne by the subdivider without reimbursement by the Town of Minden.
- F. Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks may be made at the sole discretion of the Town Board. The Town Board shall have no obligation whatsoever to accept such offers. The approval by the Planning Board of a subdivision plan shall not be

deemed to constitute or imply the acceptance by the Town of any roads, public areas, easements, or parks shown on said plan. The Planning Board shall require any dedication offer to be endorsed with notes on the Plan to this effect.

- G. **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 Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer 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 extend to the waiver of substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this section, in writing, and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.
- H. **Inspection of improvements.** At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board, in writing, of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all town specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- I. **Proper installation of improvements.** If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Code Enforcement Officer and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the town's rights under the bond. No plat shall be approved by the Planning Board if the subdivider is in default on a previously approved plat.
- J. **Maintenance of improvements.** The subdivider shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks if required, until acceptance of the improvements by the Town Board. If a certificate of occupancy has been issued for a lot on a road not dedicated to the Town, the Town may on twelve (12) hours' notice plow the street or effect emergency repairs and charge same to subdivider. Any sum remaining unpaid after thirty (30) days shall be added to the tax levy for the affected properties still owned by the subdivider. The subdivider may be required to file with the Town, a maintenance bond in an amount determined by the Town Engineer to be adequate to assure the satisfactory condition of the initial public improvements for a period of one year following their completion and acceptance by the Town. Such bond shall be

satisfactory to the Town Attorney as to form, manner of execution and surety.

§ 77-52. Time limit on installation of improvements.

The construction or installation of any improvements or facilities, other than roads, for which a financial guaranty has been made pursuant to this article shall be completed within one year from the date of the approval of the subdivision plat or special use. Road improvements shall be completed within two years from the date of approval of the plat. At the end of such time, if the required public improvements are not completed and accepted by the town, the town may use as much of the financial security required by this article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

§ 77-53. Extension of time limit.

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

§ 77-54. Phasing of improvements.

The applicant may request a phasing of required improvements provided reasonable cause can be shown that is directly a part of the documenting phasing schedule for a subdivision reviewed by the Planning Board.

§ 77-55. Schedule of improvements.

When a guaranty agreement has been approved by the Town Board and the required surety bond, certified check or letter of credit has been received by the Town Clerk, the town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guaranty by the municipality to the applicant as work is satisfactorily completed.

§ 77-56. Acceptance of required public improvements.

When the project inspector, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

Part 5. Severability.

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

Part 6. Supersession

This Local Law is intended to supersede any provisions of the Town Law, the laws of the Town of Minden and the New York State General Municipal Law which are inconsistent with the provisions of this Local Law.

Part 7. Effective Date

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically, Article 3, Section 27 of the New York State Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2021 of the (County)(City)(Town)(Village) of Minden was duly passed by the Town Board on November 18, 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Janet J. Greenhill
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/18/2021

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

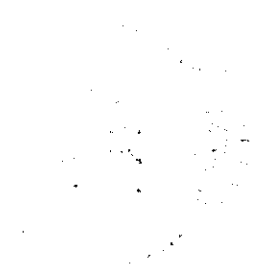
STATE OF NEW YORK
COUNTY OF Montgomery

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Town Attorney
Title

County
City of Minden
Town
Village

Date: November 18, 2021



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR
ROBERT J. RODRIGUEZ
ACTING SECRETARY OF STATE

December 15, 2021

Janet Trumbull
Town of Minden Clerk
134 ST HWY 80
Fort Plain NY 13339

RE: Town of Minden, Local Law 2 2021, filed on December 9 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

