

Local Law Filing

Town of Woodstock Local Law No. ____ of 2023

A Local Law Repealing Chapter 202 (Subdivision Regulations) of the Town of Woodstock Code and Replacing it with an updated Chapter 202 (Subdivision Regulations).

Be it Enacted by the Town Board of the Town of Woodstock, Ulster County, New York, as follows:

I. Title

This Local Law shall be known as the “2023 Repeal and Replacement of Chapter 202, Subdivision Regulations Local Law.”

II. 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.

III. Purpose and Background

The Town Board of the Town of Woodstock established a Housing Opportunities Task Force (HOTF) to conduct a comprehensive review of Chapter 202 (Subdivision Regulations) and make recommendations to those regulations to enhance housing opportunities in Town. The HOTF also worked to ensure that all updates to the Town’s Subdivision Regulations were consistent with and implemented the Town of Woodstock Comprehensive Plan. These efforts resulted in a variety of recommended subdivision regulation changes determined to be needed to address ongoing and new issues facing the Town related to improving housing opportunities consistent with community character, environmental, and other goals of the Town. In the course of conducting this effort, and with input from the Town of Woodstock Planning Board, additional subdivision regulations updates were developed to bring the subdivision law into conformity with New York State Town Law, and to provide the Planning Board with an efficient and clear review process for proposed subdivisions in Woodstock. This work was conducted over the course of two years, and had substantial input from the Town Board, Planning Board, Ulster County, ZBA, WEC, other Town committees, and community input. As a result, the HOTF drafted significant changes throughout Chapter 202 (Subdivision Regulations) to create an improved and updated set of regulations. The updated Subdivisions Regulations were submitted to the Town Board for review, public hearing, and adoption.

IV. Subdivision Regulations

In order to efficiently incorporate these updates, this Local Law fully repeals existing Chapter 202 of the Town Code and replaces it in its entirety with a new Chapter 202. The updated Town of Woodstock Subdivision Regulations are hereby adopted as follows:

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Chapter 202
Subdivision of Land

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 32.

Environmental quality review — See Ch. 65.

Flood damage prevention — See Ch. 82.

Trees — See Ch. 217.

Wastewater districts — See Ch. 245.

Water district — See Ch. 250.

Zoning — See Ch. 260.

Subdivision Regulations - Part 1
Enforcement

[Adopted 9-17-1985 by L.L. No. 4-1985]

Article I Enforcement of Subdivision Regulations

§ 202-1 Purpose

The purpose of this Part 1 of the Town of Woodstock land subdivision regulations is to protect the public health, safety and welfare of the residents of the Town of Woodstock and to provide for the orderly, efficient, aesthetic and economically efficient development of the Town by providing a uniform means of enforcing the subdivision regulations and the decisions of the Planning Board of the Town of Woodstock, Ulster County, New York.

§ 202-2 Definitions.

For the purposes of this Part 1, certain words and terms used herein are defined as follows:

RESUBDIVISION

Any change in the plat of a subdivision which has previously been filed in the office of the County Clerk.

SUBDIVIDER

Any person, firm, corporation, partnership or association who or which shall lay out any subdivision or part thereof as defined herein, either for themselves, itself or others.

SUBDIVISION

The division of any parcel of land or contiguous parcels of land held in common ownership into

two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

SUBDIVISION REGULATIONS

The Subdivision Regulations of the Town of Woodstock, Ulster County, New York, as adopted May 17, 1994, by Local Law No. 1-1994, as the same may be amended or replaced from time to time.

§ 202-3 Approval required.

- A. No subdivider shall offer to sell or offer to convey or offer to transfer or offer to lease any subdivision or resubdivision or lot, block or site or part of a subdivision or resubdivision without having fully complied with the Town of Woodstock Subdivision Regulations and without having obtained approval of the Town of Woodstock Planning Board pursuant to the Town of Woodstock Subdivision Regulations and Article 16 of the Town Law.
- B. No subdivider shall sell or convey or transfer or lease any subdivision or resubdivision or lot, block, site or part of a subdivision or resubdivision without having fully complied with the Town of Woodstock Subdivision Regulations and without having obtained approval of the Town of Woodstock Planning Board pursuant to the Town of Woodstock Subdivision Regulations and Article 16 of the Town Law.

§ 202-4 Violations.

Any owner of real property who shall create a subdivision or who shall subdivide real property into lots within the Town of Woodstock without first obtaining approval of the Planning Board of the Town of Woodstock of a subdivision map or plat showing the land to be subdivided shall be guilty of a violation of this Part 1. Any contract vendee, agent or contractor of such owner who shall knowingly participate in such violation and any grantee of such owner who shall knowingly participate in such violation shall also be guilty of a violation of this Part 1.

§ 202-5 Parties to violation.

- A. Where a violation of the Subdivision Regulations of the Town of Woodstock as heretofore adopted and approved and from time to time hereafter amended has been committed or shall exist, any contract vendee, agent or contractor of such owner who shall knowingly participate in such violation and any grantee of such owner who shall knowingly participate in such violation shall be guilty of a violation of this Part 1.
- B. Where a violation of any provision or condition of any resolution or approval of the Planning Board of the Town of Woodstock relating to a subdivision, adopted or granted under the authority of its rules and regulations or otherwise pursuant to law, has been committed or shall exist, the owner of the real property where such violation has been committed or shall exist, any contract vendee, agent or contractor of such owner who shall knowingly participate in such violation, and any grantee of such owner who shall knowingly participate in such violation shall be guilty of a violation of this Part 1.

§ 202-6 Penalties for offenses.

- A. Fines and imprisonment. A violation of the Town of Woodstock Subdivision Regulations or of this Part 1 is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of the Subdivision Regulations or of this Part 1 shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.
- B. Civil remedies and penalties.
- (1) Civil remedies. In case any land is divided into lots, blocks, or sites in violation of the Subdivision Regulations of the Town of Woodstock or this Part 1, the Code Enforcement Officer or other proper local authorities of the Town of Woodstock, in addition to other remedies, may institute any appropriate civil action or proceedings to prevent such unlawful use or division of land, to restrain, correct or abate such violation, and to prevent any illegal act, conduct, business or use in or about such premises.
 - (2) Civil penalties. In addition to the foregoing, and in addition to those penalties prescribed by state law, any person who violates any provision of these regulations or the terms or conditions of any subdivision approval resolution adopted by the Planning Board shall be liable to a civil penalty of not less than \$350 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.
 - (3) Taxpayer remedy. Upon the failure or refusal of the proper local officer, board or body of the Town to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing in the district wherein such violation exists who are jointly or severally aggrieved by such violation may institute such appropriate action or proceeding in like manner as such local officer, board or body of the Town is authorized to do. Any civil penalties collected from a violator from such an enforcement shall be the property of the Town of Woodstock and, upon collection by the plaintiff, shall be paid over immediately to the Town of Woodstock.

C. Administrative remedies.

- (1) The Code Enforcement Officer of the Town of Woodstock is also specifically authorized and empowered to deny or to withhold the issuance of a permit to erect or construct a building or other structure to the subdivider and/or developer who has subdivided said land in violation of the Subdivision Regulations of the Town and may withhold or deny said building permit to any subsequent grantee, owner, contract vendee, agent or contractor who shall knowingly participate in such violation.
- (2) In addition to the above authority, and pursuant to § 280-a of the New York State Town Law, the Code Enforcement Officer of the Town of Woodstock is also authorized and empowered to withhold or deny a building permit for the construction or erection of any building or structure unless suitably improved access to such proposed building or structure is provided by a street or highway that has been duly placed on the Official Map or plan of the Town of Woodstock, if any, and if none, unless such street or highway giving access is an existing state, county or Town highway, or a street or road shown on a plat approved by the Planning Board, or a street or road shown on a plat duly filed and recorded in the office of the Ulster County Clerk prior to the appointing of the Planning Board and its grant of authority to approve plats.
- (3) Nothing above contained in this Part 1 of the Subdivision Regulations shall be deemed to restrict or impair the power and authority of the Code Enforcement Officer or other enforcement officer of the Town of Woodstock to deny or withhold the issuance of a building permit, certificate of occupancy or other permit or license if the issuance of the same would be in conflict with or in violation of the Town of Woodstock Zoning Law.

§ 202-7 Enforcement officer.

This Part 1 of the Subdivision Regulations shall be enforced by the person designated by the Town Board as the Code Enforcement Officer, or by any other employee of the Town of Woodstock hereinafter designated by resolution of the Town Board of the Town of Woodstock.

Subdivision Regulations - Part 2

Regulations

[Adopted 5-3-1994 by L.L. No. 1-1994; amended 10-12-1999 by L.L. No. 4-1999]

Article II Authority for Subdivision Control

§ 202-8 Authority of Planning Board to approve plats.

By resolution adopted on October 1, 1960, by the Town Board of the Town of Woodstock, Ulster County, New York, the Planning Board of the Town of Woodstock has the authority to approve, approve with modifications, and disapprove plats for subdivision within the Town of Woodstock and to assume all other powers and duties as prescribed by the Town Law, Chapter 16 of the Consolidated Laws of the State of New York. All subdivision plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of these Regulations.

§ 202-9 Effect on prior regulations.

This amendment to the Subdivision Regulations was recommended by the Town of Woodstock Planning Board on March 3, 1994. It contains minor revisions and editing changes to the comprehensive amendment adopted by the Town of Woodstock Planning Board on January 21, 1993, and approved by the Town Board of the Town of Woodstock on March 16, 1993, and supersedes a previous comprehensive amendment of these regulations adopted by the Planning Board of the Town of Woodstock on August 7, 1986, and approved by the Town Board of the Town of Woodstock on October 7, 1986, and all earlier amendments.

§ 202-10 Authority; enactment.

New York State Town Law § 271, Subdivision 13, Chapter 663, Laws of 1992, effective July 1, 1993, provides that adoption of land subdivision regulations shall henceforth be by local law as opposed to a resolution. This amendment to the Subdivision Regulations was therefore enacted by the Town Board of the Town of Woodstock as Local Law No. 1 of 1994 on May 17, 1994. It became effective upon filing with the Secretary of State of the State of New York on May 23, 1994.

§ 202-10-a Reader's Aid Boxes

Appearing throughout this Law are text boxes entitled "Reader's Aid." The text appearing within these boxes is not part of the Subdivision Regulations, nor is it intended to be. Instead, the Reader's Aid Boxes simply contain explanations intended to make it easier for readers to understand the Regulations. In the event of any conflict between the meaning of the Regulations and an explanation in a Reader's Aid box, the language and meaning of the Regulations shall be applied, not the Reader's Aid explanation. In the case that any provision of these Subdivision Regulations is found to be ambiguous, in construing that provision, the text in the corresponding Reader's Aid Box may be considered as some evidence of the intent of the drafters, but not to the exclusion of

other statutory interpretation methods. Reader's Aid Boxes are identified in the text similar to the following.

Reader's Aid Boxes are added for additional explanation throughout these Subdivision Regulations. These explanations are only an aid to interpreting the legal language of the law and are not to be interpreted as a zoning standard, regulation, or requirement.

Article III Declaration of Policy

§ 202-11 Objectives.

It is declared to be the policy of the Town of Woodstock Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, aesthetic and economically efficient future growth and development of the Town, consistent with the housing goals, as outlined in the Town's Comprehensive Plan, and with the Town's rural character and the continuing needs of its people for enjoyable open space. The following objectives shall guide the Planning Board's decisions on proposed subdivisions so as to promote and protect the public health, safety and welfare:

- A. Land to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health or peril from flood or other menace.
- B. Proper provision shall be made for water supply, drainage, sewage and other needed improvements and utilities.
- C. All proposed development shall be so designed as to be in harmony with the development pattern of adjacent and neighboring properties and, as is consistent with the Town of Woodstock Comprehensive Plan, to encourage, where possible, the inclusion of a mix of housing, affordable by Woodstock residents.
- D. Proposed roads shall compose a convenient and efficient system and shall be of such width, grade and location as to accommodate present and prospective traffic.
- E. All development shall be designed to facilitate adequate fire and emergency protection and provide access for fire-fighting and related equipment.
- F. Proper provision shall be made for the permanent reservation of land for parks and public open space for the protection of significant historical and environmental features, and maintenance of natural drainage patterns. All future subdivision development shall protect the Town's environment and its natural resources including: ground and surface waters; waterways; woodlands; ridgelines and steep slopes; wildlife habitats; and air and soils. All future subdivision development shall be designed to restrict and minimize excess noise, air pollution, water pollution, and light pollution; to create a suitable system of maintaining open

spaces; and to protect and enhance existing wooded areas, scenic locations as may be identified by the Town of Woodstock.

- G. To the extent permissible by law, future development shall bear a fair share of the capital costs for improvements necessary to service such new development.
- H. Land and structures thereon shall comply or be made to comply with all other laws and regulations of the Town.
- I. Future development shall be consistent with the Town's desire to maintain Woodstock's present rural, small-town, economically diverse character and its scenic and natural beauty.

Article IV Definitions

§ 202-12 Definitions.

As used in this Part 2, the following terms shall have the meanings indicated:

BUILDING ENVELOPE

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

ADMINISTRATIVE ASSISTANT TO THE PLANNING BOARD

That representative of the Planning Board, either member, employee or consultant, who shall be designated to perform the duties of the Administrative Assistant to the Planning Board for the purposes of these regulations.

COMPLETE APPLICATION

Application materials officially submitted to the Planning Board, including application form, fee, TWEQR and SEQR documents, authorization to represent the applicant, plans and any other information described in Article VIII, Documents to Be Submitted, §§ 202-33, 202-34 and 202-35.

COMPREHENSIVE PLAN

A comprehensive plan for the general physical development of the Town of Woodstock prepared by the Planning Board pursuant to § 272-a of Town Law.

CONSERVATION SUBDIVISION

A residential subdivision where the same number of dwelling units that would be yielded by a conventional subdivision plan are allowed to be placed on the parcel to be subdivided in a flexible manner, where lot size limits, road frontage requirements, and other bulk dimensions are allowed to be relaxed, and where a majority of the land on the subdivision plat land is not developed and

is left in its natural open space condition in perpetuity. Conservation development results in a flexibility of design and development so as to: take into account the character of the land; promote the most appropriate use of land; facilitate the adequate and economical provisions of streets and utilities; and preserve the natural and scenic qualities of open lands.

Reader's Aid Box: An example of a conservation subdivision would be when a 20-acre lot in the R5 district is to be subdivided. Using the density allowed for that district, the maximum number of lots possible would be four, at 5 acres each. Conservation Subdivisions require 50% of the lot to be permanently preserved (in this example, 10 acres) but allows for the same four lots. Because it is a flexible technique, some of those lots or all those lots may be smaller than 5 acres. In this example, one option would be a subdivision creating two lots of 2 acres each, plus one lot of 6 acres and one lot of 10 acres, with the 10 acres of required open space established across the 6 and 10 acre lots. A conservation subdivision maintains the density established for the district, allows for a variety of lot sizes, and restricts the open space areas so that they cannot be further subdivided in the future.

DAYS

Indicates calendar days.

DESIGNATED PLANNING BOARD ATTORNEY

An attorney chosen by the Planning Board to perform legal services on behalf of the Planning Board for the purposes of these regulations.

DESIGNATED TOWN ENGINEER

A licensed professional engineer, either employee or consultant, who shall be chosen by the Planning Board to perform the duties of the designated Town Engineer for purposes of these regulations.

DRIVEWAY

A suitably improved way for vehicular traffic providing access from a road or shared driveway to a single lot.

DRIVEWAY, SHARED

A suitably improved way for vehicular traffic providing access from a road to no more than two individual existing or proposed driveways on lots which cannot be further subdivided. The shared driveway shall be built in accordance with minor road (see Article VII, § 202-32F), with the exceptions noted in Article VII, § 202-31 of these regulations.

EASEMENT

An acquired right of use of the property of another for a specified purpose on a designated part of that property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER

A person licensed as a professional engineer by the State of New York.

IMPROVEMENT

A physical change to land or installation of certain services necessary to produce usable and desirable lots or sites from raw acreage, including but not limited to water and sewer facilities, recreation and open space areas, grading, pavement, curbs, gutters, storm sewers and drains and betterments to existing watercourses, sidewalks and other non-motorized pedestrian ways, road signs, native shade trees or those hybrid trees developed for resistance or hardiness, sodding or seeding and monuments, whether such improvement is intended to be dedicated and maintained by the public or held in private ownership.

LOT LINE REVISION

See "subdivision lot line revision."

OFFICIAL MAP

The map which may be established by the Town Board under § 270 of the Town Law showing roads, highways, parks and drainage theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

OPEN SPACE

Land left in a natural state for the purpose of conservation; agriculture; the protection and preservation of scenic landscapes or views; and the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. "Open space" shall include land left in a natural state that is devoted to passive and non-vehicular recreation, such as, but not limited to, walking paths and hiking trails. "Open space" shall not include land that is: paved; used for the storage, parking or circulation of automobiles; used for active recreation, such as playgrounds or manicured recreational lands including ball fields, golf courses; lawns; landscaped areas; used for stormwater management; or occupied by any structure except agricultural buildings and those related to passive recreation (such as a lean-to, picnic pavilion, or picnic table). In a conservation subdivision, open space shall include both primary and secondary ~~open space~~ conservation areas as such terms are defined in these Subdivision Regulations. Open space may be included as a portion of one or more large lots, provided the lot(s) are greater than five (5) acres in size and are contiguous to each other and form a connected, unfragmented open space area. Alternatively, open space may be contained in a separate lot devoted only to open space but shall not include private yards within fifty (50) feet of a principal structure.

PLANNING BOARD

The Planning Board of the Town of Woodstock, Ulster County, New York. Also indicated as the "Board" in these regulations.

PRELIMINARY PLAT

The maps, drawings and other data showing the layout of a proposed subdivision, as specified in Article **VIII**, § **202-35** of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements within such proposed subdivision.

PRIMARY CONSERVATION AREA

The areas delineated in a conservation subdivision that are the first priority resource areas to be conserved including regulated environmentally constrained areas and areas that provide connections with or opportunities for connections to open spaces existing offsite. These include, but are not limited to streams, floodplains, wetlands, critical habitats, wetland and watercourse buffers, steep slopes, agricultural lands, and groundwater recharge areas.

RESUBDIVISION

Any change in the plat of a subdivision which has previously been filed in the office of the Ulster County Clerk.

ROAD

A way for vehicular traffic, whether designated as a highway, thoroughfare, parkway, throughway, road, artery, avenue, boulevard, lane, place, drive or however otherwise designated, which is an existing private or public way, or a way shown upon a subdivision plat approved by the Town Planning Board as provided by these regulations, or on a plat duly filed and recorded in the office of the Ulster County Clerk.

- A. **CUL-DE-SAC or DEAD-END ROAD** - A road with only one means of vehicular ingress and egress and with a turnaround at its terminus.
- B. **MINOR ROAD** - A road which serves two to no more than five lots or home sites, not suitable for Town dedication.
- C. **INTERMEDIATE ROAD** - A road which serves six to no more than 10 lots or home sites, not suitable for Town dedication, built in accordance with major road specifications (see Article **VII**, § **202-32G**) except as to road width, which shall be 18 feet of pavement and two feet of shoulder on each side.
- D. **MAJOR ROAD** - A road which serves 11 or more lots or home sites.
- E. **COLLECTOR ROAD** - Any road which connects more than one cul-de-sac, major or minor road and generally includes existing roads and highways off of which new roads are proposed. Collector roads shall meet specifications for major roads.
- F. **STUB ROAD** - An extension of a right-of-way or improved portion of a proposed road to

the boundary of a subdivided parcel to provide for continued road development to adjacent properties.

ROAD PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic, i.e., the travelled way.

ROAD ROW WIDTH

The width of the right-of-way (ROW) or the distance between property lines on opposite sides of a road, measured at right angles to the center line of such road.

RURAL AND SMALL TOWN COMMUNITY CHARACTER

A term that includes all elements that make up a community's built and natural environment including aesthetic conditions as well as demographic character, natural resources, transportation systems, infrastructure, building design, ~~educational opportunities~~, community resources, and cultural and social events and institutions. The 2018 adopted Town of Woodstock Comprehensive Plan offers additional information, description, maps, vision, and goals that additionally describe and inventory components of Woodstock's character. In particular, the 2018 Plan incorporates the following elements into Woodstock's character:

- Iconic views and mountain areas;
- Scenic areas;
- Traditional neighborhoods in hamlet areas having a mix of residences and businesses and where smaller, village-like residential neighborhoods exist;
- Open spaces and large areas of undeveloped land;
- Forests, streams, and other intact natural environments;
- A diversity of residents;
- Historic features;
- A diversity of architectural styles;
- Artists, a local arts scene, and arts and cultural events and institutions; and
- Small, locally owned businesses and home-based businesses.

SECONDARY CONSERVATION AREA.

The area delineated in a conservation subdivision having secondary resource value to be conserved including, but not limited to: lands located within any Critical Environmental Area that may be established by the Town of Woodstock; healthy woodlands holding important ecological functions such as forested core areas; wetland and watercourse buffer areas; hedgerows and other vegetation features representing the site's rural past; historic structures or sites; and visually prominent features such as knolls, or hilltops.

SEQR/STATE ENVIRONMENTAL QUALITY REVIEW

Environmental review regulations referred to as Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

SKETCH PLAT

A rough sketch or conceptual drawing of a proposed subdivision to enable the subdivider to reach a general agreement with the Planning Board as to the form of the layout and compliance with the objectives of these regulations. A sketch plat shall be drawn to scale but need not have the accuracy of an engineered drawing.

SUBDIVIDER (also referred to as “applicant,” “property owner” or “authorized representative”)

Any person, joint venturer, corporation, partnership or association who or which shall lay out, for the purpose of development, sale or lease, any subdivision as defined herein, either for themselves, itself, or for others.

SUBDIVISION

The division of any parcel of land into two or more lots, plots, sites, or other division of land for the purpose of transfer of ownership, building development, or lease for other than agricultural or conservation purposes. Such division shall include resubdivision of parcels of land for which an approved plat has already been approved or filed in the office of the County Clerk. For the purposes of these Subdivision Regulations, a parcel shall be considered already to have been divided into two or more lots by one or more publicly owned roads or railroad or utility rights-of-way held in fee simple and shall be described in separate deeds.

A. MINOR SUBDIVISION

Any subdivision containing not more than five (5) lots, each having at least the minimum lot area and dimension required by the Zoning Law, not involving the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Law, or these regulations, and which does not otherwise qualify as a “Major Subdivision” as such is defined in these Regulations.

B. MAJOR SUBDIVISION

Any subdivision meeting one of the following descriptions:

- (1) Any subdivision not classified as a “Minor Subdivision,” or
- (2) Any subdivision created after [DATE] which contains five (5) or more lots, or
- (3) A subdivision which requires the creation of a new street or the extension of a municipal water or sewer system, or

- (4) Where land has already been subdivided subsequent to [DATE] and resulted in the creation of a subdivision of five (5) lots and subsequent to that a sixth lot is proposed to be split from one of those five lots.

SUBDIVISION LOT LINE REVISION

A minor subdivision involving an exchange or transfer of land with an adjoining property in which no new lots will be created and such that the exchange or transfer of land shall not create any nonconformity with the terms and regulations of the Town of Woodstock Zoning Law.

SUBDIVISION PLAT or FINAL PLAT

The final maps, drawings and charts on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be submitted to the Ulster County Clerk for filing or recording. The plat should contain all information or detail required by law and by these regulations.

SURVEYOR, LAND

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

TOWN BOARD

The Town Board of the Town of Woodstock, Ulster County, New York.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Traditional Neighborhood Design (TND) is a planning concept that calls for residential neighborhoods to be designed in the format of small, early 20th century villages and neighborhoods. Those traditional formats were characterized by homes on small lots, narrow front yards with front porches and gardens, ~~detached garages in the backyard~~, walkable "Main Street" commercial areas with shops lining the sidewalk, and public parks, town greens, or village squares. TND is intended to provide an alternative to conventional subdivisions and suburban sprawl. TND calls for compact, pedestrian-oriented neighborhoods with a variety of housing types and costs, and public places where people have opportunities to socialize and engage in civic life. The automobile is still accommodated, with ample parking and efficient circulation, but it no longer dictates design of the development.

TWEQR/TOWN OF WOODSTOCK ENVIRONMENTAL QUALITY REVIEW

Environmental review regulations referred to as "Town of Woodstock Local Law No. 1 of the Year 1990," a local law providing for environmental review of actions in the Town of Woodstock.

WATERCOURSE BUFFER AREA

A specified area surrounding a watercourse that is intended to provide some degree of protection to the watercourse from human activity or other encroachment associated with development. The watercourse buffer area shall be subject to the regulations for watercourses as defined in the Town

of Woodstock Zoning Law and shall be determined by consulting the map entitled, "Applicable Watercourse Buffers" which is maintained in the office of the Planning Board and Code Enforcement Officer. The buffer area is the area extending horizontally away from and paralleling the edge of the bank of a watercourse. Buffer widths vary from 30 to 45, 60, 75, 90 or 100 feet (each side) depending on the upstream drainage area and the slope of the land. The default buffer for all watercourses is 30 feet from the edge of the bank.

ZONING LAW

The officially adopted Zoning Law of the Town of Woodstock, together with any and all amendments thereto, in accordance with Article 16 of the New York State Town Law, and/or Article 2 of the New York State Municipal Home Rule Law.

Article V Procedure for Approval of Land Subdivision

§ 202-13 Conceptual or sketch plat.

Whenever any subdivision of land is proposed, or before any contract for the sale of or lease of any lots in such subdivision or any part thereof is made, or before any preparation for improvements, any nonagricultural clearing or grading or any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or their duly authorized agent shall submit a conceptual or sketch plat of such proposed subdivision in accordance with the following procedures:

- A. When partial subdivision of a larger parcel is proposed, the Planning Board may require a conceptual plan of further development of the remainder of the parcel where concerns of the general pattern of development, access or road development must be addressed.
- B. In consideration of subdivision applications, the Planning Board may require that existing violations of the Zoning Law, or other development laws and regulations, related to the subject parcel be remedied before review or approval of such application.
- C. Reimbursable costs. Reasonable costs incurred by the Planning Board for private consultation fees, fees for technical and engineering services, legal fees, or other expenses in connection with the review of an application for a subdivision of land shall be charged to the applicant. Such reimbursable costs may be in addition to the fee required in § 202-14 below when subdivisions raise unique issues outside the Planning Board's normal experience. The Planning Board shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of each application for subdivision of land. The applicant shall deposit the amount so determined by the Planning Board in escrow with the Town Clerk prior to the Planning Board's commencing any review of the application. If the amount so deposited is exhausted or diminished to the point that the Planning Board determines that the remaining amount will not be sufficient to complete the review of the application, then the Planning Board shall notify the applicant of the additional amount that must be deposited with the Town

Clerk. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to this provision, the Planning Board, at its discretion, may cease review of the application until such amounts are paid or deny the application. In no event, however, shall any subdivision of land approval be made until all such sums have been paid in full. **[Added 11-6-2012 by L.L. No. 4-2012]**

§ 202-14 Preapplication review and Conference.

- A. A preapplication conference shall be scheduled in the earliest stages of a proposed project's development. Preapplication review and conference is a mandatory prerequisite to Sketch Plat Review and no application for Sketch Plat Review shall be accepted until a preapplication conference with the Planning Board has occurred. Complete or highly engineered plans prepared for the preapplication conference are discouraged. Plans submitted for the preapplication conference shall be preliminary and shall not be considered a Sketch Plat. The property owner, or their duly authorized representative, shall submit a plan for initial review with the Planning Board to informally discuss the proposed subdivision and become familiar with the requirements of these regulations, the Town of Woodstock Zoning Law and other laws, ordinances, rules, regulations or policies of the Town of Woodstock, County of Ulster, or State of New York that may be pertinent to the proposed subdivision. Any request to schedule a preapplication review or conference shall be accompanied by the applicable fee (in accordance with the established subdivision fee schedule). In addition, it is also recommended that a meeting be held with the Administrative Assistant to the Planning Board prior to the preapplication conference with the Planning Board to go over procedures and expectations for subdivisions.
- B. Review or discussion at the preapplication conference shall include review of both procedural and submission requirements and the technical application of the standards provided within the regulations as related to lot layout and required improvements. This is a required step in review of proposed subdivisions but shall not constitute a full application nor initiate any time periods for review, hearing or approval as described below. Subsequent to the preapplication conference, and upon submission of a proposed sketch plat, the application will be scheduled for sketch plat review by the Planning Board.

§ 202-15 Sketch plat review and classification.

- A. Submission of sketch plat. The property owner, or their duly authorized representative, shall submit to the Administrative Assistant to the Planning Board at least 14 calendar days prior to the regular meeting of the Planning Board a subdivision plat application and four copies, or more, as determined by the Administrative Assistant to the Planning Board, of a sketch plat or conceptual plan of the proposed subdivision for purposes of classification and preliminary discussion. An application shall be scheduled for preliminary review if the Planning Board determines that the plat and application materials conform substantially to the submission requirements included in these regulations and the layout is an acceptable design.

- B. Classification and designation. Classification of the sketch plat as a minor, minor with a road or major subdivision as defined in these regulations shall be made at this time by the Planning Board. The purpose of classification of the subdivision is to determine the procedure to be followed for application, review and approval of such applications. The Planning Board may require, when it deems 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 plat is classified as a minor subdivision or a minor subdivision with a road, the subdivider shall then comply with the procedure outlined in Article **V**, § **202-16** of these regulations and any procedures in §§ **202-17** and **202-18** that the Planning Board deems necessary. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article **V**, §§ **202-17** and **202-18**. The Planning Board shall, based upon information provided by the applicant, also designate the name by which the subdivision shall be known. Classification of roads and subsequent determination of road specifications for construction are determinations that are separate and distinct from the classification of a subdivision. Information regarding road classification is provided in Article **IV** and Article **VII**, § **202-32E(1)**.
- C. Study of sketch plat.
- (1) The Planning Board shall determine whether the sketch plat meets the objectives of these regulations and shall, where necessary, make specific written recommendations to be incorporated in the next submission. In its review, the Board may schedule a field visit to the site. To facilitate inspection of the site, the subdivider may be required to mark the corners of the property, proposed lot corners, the location of buildings and subsurface disposal systems (septic systems), and the center line of any proposed roads by temporary stakes. The subdivider may be requested to accompany the Board during its site visit.
 - (2) Sketch plat review does not allow filing of a plat with the County Clerk or authorize the sale or lease of, or any offer to sell or lease, any lots in such subdivision or any part thereof.
- D. Payment of application fee. Any application for plat approval for subdivision shall be accompanied by the applicable fee (in accordance with the subdivision fee schedule established and annually reviewed by the Town Board). A copy of said fee schedule shall be available from the Administrative Assistant to the Planning Board. Payment of recreation fees shall be made at the time of minor subdivision approval and at final major subdivision approval according to the fee schedule [refer to Article **VII**, § **202-29B(3)**].

§ 202-16 Approval of minor subdivision plat.

- A. Application. (i) Within six months of the classification by the Planning Board of the sketch plat of a proposed subdivision as a minor subdivision or a minor subdivision with a road, the property owner, subdivider or their duly authorized representative shall submit a complete subdivision application. The plat shall conform to the layout shown on the sketch plat plus any modifications required by the Planning Board. Said applications shall also conform to the requirements listed in Article **VIII**, § **202-34** of these regulations. (ii) Pursuant to §202-38 of these regulations, a minor subdivision application may also request use of conservation subdivision design simultaneously with, or subsequent to, presentation of an approvable, conventional subdivision plat with site information required by the Planning Board depending on the terrain and the magnitude of development. A minor subdivision may also be designed using an average lot size pursuant to Zoning Law § 260-26.
- B. Number of copies. The application for approval of a minor subdivision plat, complete with six copies or more as determined by the Administrative Assistant to the Planning Board of the subdivision plat and all further required data specified within Article **VIII**, § **202-34**, shall be filed with the Administrative Assistant to the Planning Board at least 14 days prior to the regular meeting of the Planning Board.
- C. Subdivider to attend Planning Board meeting. The owner, subdivider, or their duly authorized representative shall attend meetings of the Planning Board to discuss the minor subdivision plat.
- D. Approval procedure.
 - (1) Review application for completeness per submission requirements. A proposed submission which does not include all the required drawings and documents specified within Article **VIII**, § **202-34** of these regulations shall not be accepted as a complete application by the Planning Board.
 - (2) The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQR) and the Town of Woodstock Environmental Quality Review (TWEQR).
 - (3) Prior to taking the final action on the minor subdivision, and at least ten (10) days prior to the Public Hearing, the Planning Board shall refer the plan to the Ulster County Planning Board for their review and recommendation pursuant to Section 239-m of the New York State General Municipal Law.
 - (4) The Planning Board shall conduct a public hearing on the minor subdivision plat within sixty two (62) days from the time the minor subdivision application is deemed complete. Notice of the public hearing shall be advertised at least once in a newspaper of general

circulation in the Town at least five (5) days before such hearing. A copy of said notice shall also be mailed to all contiguous property owners by the Administrative Assistant to the Planning Board at least ten (10) days before the opening of such hearing. A list of contiguous property owners shall be obtained, by the applicant, from the current tax rolls and supplied to the Administrative Assistant to the Planning Board along with addressed, stamped, business-sized envelopes for this purpose. Where appropriate, the Planning Board may, at its discretion, request that the list of contiguous property owners include those along any right-of-way (ROW) that will be affected by the subdivision.

- (5) Within sixty-two (62) days from the close of the public hearing, the Planning Board shall act by resolution to approve, conditionally approve, or disapprove the minor subdivision, and if approved, authorize signing of the plat by the Planning Board Chair. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

For conditional approvals, the Planning Board shall state in writing the conditions to be met before the final subdivision plat can be signed by the Planning Board Chair. The applicant shall submit to the Planning Board a final plat map for signature by the Planning Board Chair. Such final plat shall contain plat notes describing all of the conditions of subdivision approval. The plat shall be signed by the Planning Board Chair if all of the conditions of approval have been satisfied.

- (6) Within five (5) business days of the date of the resolution granting approval or conditional approval, the Plat shall be filed by the Planning Board with the Town Clerk and a copy of the resolution mailed to the applicant. Such final plat shall include plat notes describing all conditions as required by the Planning Board in its approval resolution.
- (7) The owner shall file the approved plat in the office of the Ulster County Clerk within sixty-two (62) days from the date of final approval.
- (8) Upon approval, recreation fees and any and all outstanding fees and escrow charges shall be paid according to the fee schedule prior to the signing of the plat.
- (9) Upon a resolution of approval, a linen or mylar and six copies of the subdivision plat or more copies as determined by the Administrative Assistant to the Planning Board shall be provided by the applicant and properly signed by the Chairman of the Planning Board.

E. Expiration of approval.

- (1) Any minor subdivision plat and related documents not filed or recorded, as described in Subsection **D(4)** above, 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. The Planning Board may, upon written request within six months of the date of approval, and upon payment of a fee equivalent to the preapplication review fee, authorize the Chairman of the Planning Board to re-sign the subdivision plat without additional review being required.
- (2) After the aforementioned six-month period has expired, any further action shall require submission of a new application, payment of a new filing fee and Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession of land or improvements submitted by the subdivider shall be deemed to be invalid, void, and of no effect.
- (3) If approval with modifications, that is, conditional approval, is granted, the Planning Board may review the plat for compliance or shall empower the Chairman of the Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of approval with modifications. Approval of a plat with modifications shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed two additional periods of 90 days each.

- F. Default approval of preliminary or final plat. The time periods prescribed herein within which the Planning Board must take action on a final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a preliminary plat or a final plat within the time prescribed therefor after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such plat shall be deemed granted approval. The certificate of the town clerk as to the date of submission of the final plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

§ 202-17 Approval of preliminary plat for major subdivision.

- A. Preliminary plat submission. Within six months of the classification by the Planning Board of the sketch plat of a proposed subdivision as a major subdivision, the property owner, or their duly authorized representative, shall file a complete application for consideration with a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form and include all the data prescribed by Article VIII, § 202-35 of these regulations. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the New York State Town Law and these regulations, except where a waiver of any specific requirement may be specifically requested from, and authorized by, the Planning Board according to Article X hereof. All proposed major subdivisions shall be designed as a "conservation subdivision" as that term is defined in these regulations and the design shall comply with all of the applicable requirements Article IX of these subdivision regulations entitled "Conservation Subdivision and Other Flexible Design Methods."
- B. Purpose.
- (1) The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. The preliminary plat and supporting documents shall show the layout of the subdivision and public improvements, so that the Planning Board can indicate approval or disapproval of the subdivision prior to the time that the final plat, including the final engineering design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon final design characteristics.
 - (2) The preliminary layout shall additionally serve as a key map to subdivisions subsequently laid out in sections or phases on final plats.
- C. Number of copies. The application for approval of the preliminary plat, complete with six copies of the preliminary plat or more as determined by the Administrative Assistant to the Planning Board, shall be filed with the Clerk at least 14 calendar days prior to the regular meeting of the Board.
- D. Subdivider to attend Planning Board meeting. The subdivider, or their duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.
- E. Study of preliminary plat. The Planning Board shall study the practicality of the preliminary plat and shall consider 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 roads,

their relationship to the topography of the land, water supply, sewage disposal, drainage, lot sizes and configuration, open space land, the future development of lands as yet unsubdivided, environmental concerns and the requirement of environmental review, the Comprehensive Plan, Official Map, if one exists, and Zoning Law.

F. Approval procedure.

- (1) Review application for completeness per submission requirements. A proposed submission which does not include all the required drawings and documents specified within Article **VIII**, § 202-35 of these regulations shall not be accepted as a complete application by the Planning Board.
- (2) The Planning Board shall conduct a public hearing on the preliminary plat and act thereon in accordance with Town Law § 276, Subdivision 5.
- (3) Notice of the public hearing shall be advertised at least once in the official newspaper(s) of general circulation in the Town at least five days before such hearing. A copy of said notice shall also be mailed to all contiguous property owners by the Administrative Assistant to the Planning Board at least 10 days before the opening of such hearing. A list of contiguous property owners shall be obtained, by the applicant, from the current tax rolls and supplied to the Administrative Assistant to the Planning Board along with addressed, stamped, business-sized envelopes for this purpose. Where appropriate, the Planning Board may, at its discretion, request that the list of contiguous property owners include those along any right-of-way (ROW) that will be affected by the subdivision.
- (4) Submission of final plat; modifications of preliminary plat.
 - (a) A final plat shall be submitted within 180 days after preliminary approval as described below.
 - (b) When approving a preliminary plat, the Planning Board shall state the modifications or conditions, if any, it deems necessary with respect to the specific changes which it will require in the preliminary plat, the extent of requested waivers which in the Planning Board's opinion may be authorized without jeopardy to the public health, safety and general welfare, and the categories of improvement and the amount of all bonds or similar performance guarantees which the Planning Board shall require as a requisite to approval of the final plat. The action of the Planning Board plus any modifications or conditions attached thereto may be provided in writing or recorded in the minutes of the meeting at which the plat is approved. During review and prior to the approval of the final 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.

§ 202-18 Approval of final plat for major subdivision.

- A. Final plat submission.
 - (1) Following approval, with or without modifications, of the preliminary plat, the property owner, or their duly authorized representative, shall prepare a final plat, together with all other supplementary documents, in accordance with Article **VIII**, § **202-36** of these regulations.
 - (2) The final plat and other supplementary documents shall be submitted to the Administrative Assistant to the Planning Board for final approval within 180 days after approval, with or without modifications, of the preliminary plat.
- B. Partial development. If desired by the subdivider, the final plat may consist only of that portion of the approved preliminary plat which is proposed for recording and development at the time. Such portion shall conform to all applicable requirements of these regulations. The preliminary plat approval resolution shall specifically delineate the sequence of contiguous subdivision sections which shall be submitted for approval.
- C. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete subdivision proposal. After public hearing, if required, and approval by the Planning Board, this complete submission, including the applicable performance guarantee and the general liability insurance policy, as approved by the Town Board, becomes the basis for the development of the subdivision, the installation of required improvements and the applicable inspection services by the Planning Board, the designated Town Engineer or other delegated Town officials.
- D. Number of copies. The application for approval of the final plat, complete with six copies of the final plat or more as determined by the Administrative Assistant to the Planning Board, shall be filed with the Clerk at least 14 calendar days prior to the regular meeting of the Planning Board.
- E. Approval procedure.
 - (1) Review application for completeness per submission requirements. A proposed submission which does not include all the required drawings and documents specified within Article **VIII**, § **202-36** of these regulations shall not be accepted as a complete application by the Planning Board.
 - (2) The Planning Board shall conduct a public hearing, if required, on the final subdivision plat and act thereon in accordance with Town Law § 276, Subdivision 6. Such hearing

shall be advertised at least once in the official newspaper(s) of general circulation in the Town at least five days before such hearing, and notice additionally shall be mailed to contiguous property owners at least 10 days before such hearing. A list of contiguous property owners shall be obtained, by the applicant, from the current tax rolls and supplied to the Administrative Assistant to the Planning Board along with addressed, stamped, business-sized envelopes for this purpose. Where appropriate, the Planning Board may, at its discretion, request that the list of contiguous property owners include those along any right-of-way (ROW) that will be affected by the subdivision. If the Planning Board deems the final plat to be in substantial agreement with the preliminary plat approved under § **202-17** of this article and modified in strict accordance with the modifications, conditions or requirements of such approval, the Planning Board may waive by resolution the requirement for such public hearing.

(3) Fees and charges; conditional approval.

- (a) Upon approval, recreation fees and any and all outstanding escrow charges shall be paid according to the fee schedule.
- (b) If approval with modifications, that is conditional approval, is granted, the Planning Board may review the plat for compliance or shall empower the Chairman of the Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of approval with modifications. Approval of a plat with modifications shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified by the Planning Board as completed within that time. Upon specific request by the applicant, the Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a time not to exceed two additional periods of ninety (90) days each.

F. Final approval and filing. Upon completion of the requirements in this section and Articles **VI** and **VII** and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to warrant final approval. A linen or mylar and six copies, or more as determined by the Administrative Assistant to the Planning Board, that are provided by the applicant shall be properly signed by the Chairman of the Planning Board upon receipt of notification that the required performance guarantee and insurance have been approved by the designated Planning Board Attorney and filed with the Town Clerk. The final plat, related deed(s), road maintenance agreements and other agreements pertaining to the common use of improvements shall then be filed by the applicant in the office of the Ulster County Clerk. In addition, the Administrative Assistant to the Planning Board shall file a copy of the signed subdivision plat in the office of the Town Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the Town of any road, or other land, shown as offered for

cession to public use.

G. Expiration of approval.

- (1) The approval of a final plat shall expire sixty two (62) days after the date of the Planning Board resolution authorizing the Chairman of the Planning Board to sign the drawings, unless filing of the plat, and related documents, or a section thereof, as may be authorized by the Board, is accomplished within that time period in the office of the Ulster County Clerk in accordance with § 279 of the New York State Town Law. The Planning Board may, upon written request within thirty (30) days of expiration of approval, and upon payment of a fee equivalent to the preapplication review fee, authorize the Chairman of the Planning Board to re-sign the subdivision plat without additional review required.
- (2) Expiration of an approval shall mean that any further action shall require submission of a new application, payment of a new filing fee and Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void, and of no effect.

H. Filing in sections. At the time of final plat approval, the Planning Board may permit the plat to be divided into two or more sections subject to any modifications or conditions the Board deems necessary to ensure orderly development. In accordance with § 276 of the New York State Town Law, the applicant may file a section of the approved plat with the Ulster County Clerk, which section shall consist of not less than 10% of the total number of lots shown on the approved plat. In this circumstance, preliminary plat approval on the remaining sections of the plat shall continue in effect for a period of three years from the filing date of the first section with the County Clerk. When a plat is filed by section with the County Clerk, the applicant shall, within thirty (30) days, file with the Town Clerk the entire approved preliminary plat. The subdivider shall not be permitted to begin construction of buildings in any other section until such section has received final approval by the Planning Board and such final plat has been filed in the office of the Ulster County Clerk and the required improvements have been installed and approved in such section or a satisfactory performance guarantee covering the cost of such improvements has been posted.

§ 202-19 Notice to county and adjoining municipalities.

When an application for subdivision review and approval involves property that is within 500 feet of an adjacent municipality, as defined in § 239-nn of the New York State General Municipal Law, the Planning Board shall give notice to the adjacent municipality by mail or electronic transmission to the clerk of the adjacent municipality at least ten (10) days prior to any hearing. Notice shall also be provided to the County Planning Board if required by § 239-n of the General Municipal Law.

§ 202-20 Building permits and certificates of occupancy.

- A. Upon the posting of a satisfactory performance guarantee or upon certification of the completion or installation of all required improvements to the satisfaction of the Town Board, in accordance with Article VI, § 202-23 of these regulations, and upon Planning Board approval of the final plat, the subdivider, or their successor in title, may be issued building permits for the construction of buildings in accordance with the approved subdivision plat, the Town's Zoning Law and other applicable laws, rules and regulations.
- B. In instances where building permits have been authorized upon the posting of a satisfactory performance guarantee, the subdivider or their successor in title may be subsequently issued certificates of occupancy for any buildings constructed in the subdivision only upon completion of all required improvements to Town standards and upon certification of such as required in Article VI, § 202-23 of these regulations.

Article VI Required Improvements and Performance Guarantees for Subdivisions

§ 202-21 Compliance required.

Any subdivider who proposes to develop a subdivision in the Town of Woodstock shall comply with the regulations provided in this article regarding the posting of performance guarantees and the provision or installation of utilities and other required improvements.

- A. All proposed major subdivisions shall be designed as a “conservation subdivision” as that term is defined in these regulations and the design shall comply with all of the applicable requirements Article IX of these subdivision regulations entitled “Conservation Subdivision and Other Flexible Design Methods.”.
- B. For minor subdivisions, the Planning Board shall require establishment of a building envelope upon each lot on the approved plat. All building envelopes shall meet the following requirements:
 - (1) Each building envelope shall be clearly identified on its respective lot on the plat and all future development on such lot shall be located within the approved building envelope, except if development outside the building envelope is approved in a subsequent subdivision by the Planning Board, or is allowed by area variance issued by the Zoning Board of Appeals.
 - (2) A building envelope shall not encroach upon any yard or setback, or upon any constrained land, including but not limited to, slopes greater than 25%, locations in the Floodway District or other floodplains, wetlands, wetlands or watercourse buffer areas. A building envelope shall also not adversely impact important habitats.
 - (3) Placement of building envelopes on a minor subdivision plat shall ~~not, however,~~ require prior percolation tests or Department of Health Approval for wastewater treatment to ensure that the building envelope is suitably placed.

§ 202-22 Determination of improvements to be required.

In determining the necessity and extent of required subdivision improvements, on and off site, the Planning Board shall consider the existing character of the area in which the proposed subdivision lands are located, taking into account the definition of “rural and small-town character” set forth in these Regulations. The Planning Board shall also consider: (a) the development density and land uses that exist on in the area around the land upon which the subdivision is proposed, whether residential, commercial, or industrial; (b) whether the proposed improvements within the proposed subdivision will be publicly or privately owned and maintained; and (c) all base and overlay zoning district requirements. The Planning Board may require these improvements when it deems them to be necessary for protection of the public health, safety or welfare. Specifications for roads and other design standards are provided in Article **VII** of these regulations. For minor subdivisions, the Planning Board shall review site and environmental conditions and may require the establishment of building envelopes for all new lots to be created in order to avoid or mitigate adverse impacts to sensitive environmental features. For major subdivisions, the Planning Board shall require a conservation subdivision designed in accordance with the requirements of Article IX of these regulations.

- A. Possible required improvements. The Planning Board may require the provision and installation of the following improvements in accordance with New York State Town Law. The Board may specifically waive in writing any such improvements as provided in Article **X**, § **202-43** of these regulations. In addition, the Planning Board may require one or more of the following:
- (1) Parks, playgrounds, or other public open spaces of adequate size and location for recreational purposes including facilities for bicycling and pedestrian accessibility.
 - (2) Suitably improved roadways.
 - (3) Road signs and posts.
 - (4) Non-motorized Pedestrian opportunities.
 - (5) Road lighting.
 - (6) Curbs or gutters.
 - (7) Native street trees or those hybrid trees developed for resilience or hardiness.
 - (8) Water mains, wells or central well system.
 - (9) Sanitary sewage disposal facilities.

- (10) Storm drainage system.
 - (11) Fire hydrants, fire flow ponds or other fire-fighting facilities.
 - (12) Siltation and erosion control improvements.
 - (13) Boundary monuments or other acceptable markers suitably placed and installed.
 - (14) Any improvements the Planning Board deems necessary for protection of the public health, safety or welfare.
- B. Standard for installation. All improvements required by the Planning Board shall be installed in accordance with standards, specifications, and procedures acceptable to the appropriate Town departments or as provided in these regulations. Underground utilities may be required and their location should be indicated on the plan.
- C. Modification of the design of improvements shown on the approved plat. Before or during construction of the required improvements shown on the approved plat, it may be demonstrated that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements. The designated Town Engineer or Code Enforcement Officer may, upon concurrence of the Chairman of the Planning Board, authorize minor modifications which are within the spirit and intent of the Planning Board's approval and do not constitute the waiver or substantial alteration of the function of any of the improvements required by the Board. The designated Town Engineer or Code Enforcement Officer shall issue any such authorization in writing and shall transmit a copy to the Clerk of the Board for report to the Planning Board at its next regular meeting.
- D. 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 the subdivider proposes to construct such improvements. The Town Board may authorize an inspection to assure that all Town specifications and requirements shall be met and to assure the satisfactory completion of improvements and utilities as required by the Planning Board. The inspection fee shall provide reimbursement to the Town for actual direct cost incurred for such engineering services.
- E. Proper installation of improvements. If the designated Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the subdivider shall so report to the Town Board, the Code Enforcement Officer and the Planning Board. The Town Board shall

then notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the performance guarantee. No plat shall be approved by the Planning Board as long as the subdivider is in performance default on any requirements of any previously approved plat within the Town of Woodstock.

- F. Privately owned improvements. Where required improvements will not be dedicated to the Town of Woodstock and where common private ownership occurs, a homeowners' association or other such maintenance agreement shall be provided to address all property owners sharing such improvements. (See § 202-24 below regarding maintenance agreements for roads and shared driveways.) The language of any such association or agreement shall be reviewed by the designated Planning Board Attorney for adequacy and content prior to review of plats submitted for final approval. Any such association or agreement for shared interest in real property may require approval by the New York State Attorney General's office.

§ 202-23 Performance guarantees for required improvements.

A performance bond or equivalent security shall be delivered to the Town to guarantee to the Town that the subdivider shall faithfully cause to be constructed and completed within a reasonable time the required improvements and convey the required lands and improvements, where applicable, to the Town free and clear of all encumbrances.

- A. Procedure. Before the Planning Board grants approval of the final subdivision plat, the subdivider shall provide to the Administrative Assistant to the Planning Board a detailed engineer's cost estimate for all required improvements for review and approval by the designated Town Engineer and shall subsequently follow the procedure set forth in either Subsection A(1) or (2) below:

- (1) Certified check or performance guarantee.

- (a) In an amount set by the Planning Board, the subdivider shall file with the Town Clerk either a certified check to cover the full cost of the required improvements or a performance guarantee to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of § 277 of the Town Law and, further, shall be satisfactory to the Town Board and designated Planning Board Attorney as to form, sufficiency, manner of execution, term and surety. A period of one year, or such other period as the Planning Board may determine to be appropriate, but not exceeding three years, shall be set forth in the bond or equivalent security as the period within which the required improvements must be completed. If an extension is requested, the Planning Board may require an increase in the amount of the bond or equivalent security. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Administrative Assistant to the Planning Board.

- (b) The Planning Board may decide at any time during the term of the performance guarantee that the extent of building development in the subdivision is not sufficient to warrant all the improvements covered by such performance guarantee, or that required improvements have been installed to an extent that is sufficient to warrant reduction in the face amount of such bond, or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bond or equivalent security. The Planning Board may then modify its requirements for any or all such improvements, and the face value of such performance guarantee shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Board, and any security deposited with the bond may be reduced or increased proportionately.
 - (2) The subdivider shall construct all required improvements to the satisfaction of the designated Town Engineer, who shall file with the Planning Board a letter signifying completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements, in addition to the costs of satisfactorily installing any improvements not approved by the designated Town Engineer. Any such bond shall be satisfactory to the Town Board and designated Planning Board Attorney as to form, sufficiency, manner of execution, term and surety. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Administrative Assistant to the Planning Board.
- B. As-built drawing required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the designated Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the specific location of all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection **A(2)** above, then said map shall be submitted prior to endorsement of the final plat by the Planning Board Chairman. The applicant's engineer shall sign the as-built drawing which should then be filed with the Planning Board. However, if the subdivider elects to provide a performance guarantee for all required improvements as specified in Subsection **A(1)** above, such bond or equivalent security shall not be released until such map is submitted and deemed satisfactory by the Planning Board.

§ 202-24 Maintenance agreements for roads and shared driveways.

The subdivider shall prepare a draft road maintenance agreement or other suitable agreement where private roads or shared driveways are proposed to address all those property owners gaining access to such proposed road or driveway. The maintenance agreement shall also address the minimum design standards in Article **VII**, §§ **202-31** and **202-32** of these regulations. Depending on the intensity of use, degree of improvement or length of the road, the Planning Board may

require that a maintenance bond or fund be provided as part of the maintenance agreement to provide for proper condition and maintenance of the road and improvements for one year after construction (see § 202-25 below). The maintenance agreement and proposed fund shall be reviewed for adequacy and content by the designated Planning Board Attorney prior to review of plats submitted for final approval. Any such association or agreement for shared interest in real property may require approval by the New York State Attorney General's office.

§ 202-25 Maintenance bonds.

The subdivider shall file with the Town Board a maintenance bond in an amount equal to 15% of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition and operation of the initial public improvements for a period of one year following their completion and acceptance, where applicable, by the Town Board. Such maintenance bond shall be satisfactory to the designated Planning Board Attorney as to form, manner of execution and surety and in an amount satisfactory to the designated Town Engineer. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Administrative Assistant to the Planning Board.

§ 202-26 General liability insurance.

- A. Filing requirement. The subdivider shall file with the designated Planning Board Attorney a general liability insurance policy at the same time that a performance guarantee is filed. The Town Board shall approve the policy as to form. The policy shall be in force during the term of the performance guarantee and shall be extended in conformance with any extension of the performance guarantee. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Administrative Assistant to the Planning Board.
- B. Limits of coverage. The policy shall insure the Town and the subdivider and shall cover all operations in the subdivision involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability of \$500,000 for bodily injury to each person and \$1,000,000 liability on the aggregate for each accident, and property damage liability of \$50,000 for each accident and \$100,000 aggregate property damage liability or such higher limits as the Planning Board may require.

§ 202-27 Public franchise utilities.

- A. Service connections. When public franchise utilities are to be installed, the subdivider shall submit to the Planning Board written assurances from each public utility company that such company will make the necessary service installations within a time limit and according to specifications satisfactory to the Planning Board.
- B. Easements or other releases. The final plat shall include statements by the owner granting all necessary easements or other releases where required for the installation of public franchise utilities.

Article VII General Requirements and Subdivision Design Standards

§ 202-28 General requirements.

Any subdivider who proposes to develop a subdivision in the Town of Woodstock shall observe all general requirements for land subdivision as herein provided.

- A. Character of land. Land to be subdivided shall be of such character that in the opinion of the Planning Board it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and with a minimum of detrimental effects on the environment.
- B. Preservation of any significant existing features. The Planning Board shall require the preservation of natural features which add value to residential developments and to the community, such as but not limited to wetlands, unfragmented forests, significant habitats, large trees or wooded areas, watercourses and any associated riparian buffer areas and falls, beaches, historic spots, and similar irreplaceable assets as may be identified in the Town's Comprehensive Plan, Open Space Plan, Natural Resource Inventory or other plans as may exist. The Planning Board shall also evaluate the consistency of the proposed subdivision with any zoning overlay district regulations that may pertain to the parcel to be subdivided.
- C. Conformance with Official Map and Comprehensive Plan. Subdivision plats and improvements provided shall conform to the Official Map and Zoning Law of the Town of Woodstock and shall be in harmony with the Comprehensive Plan.
- D. Minimum lot area. No lot in a subdivision shall have less than the minimum lot area and minimum lot dimension required by the Zoning Law for the district in which it is located, unless otherwise provided in the Zoning Law, or as provided by Article IX(Conservation Subdivisions) of these regulations.
- E. Plats with access through other municipalities. Whenever access to a subdivision is by crossing land in another municipality, the Planning Board may require assurance from said municipality that such access is adequately improved or that a legally adequate performance guarantee has been duly posted and is sufficient in an amount to ensure the construction of the necessary road or roads.
- F. Replatting. Replatting of all or part of land covered by an existing plat which has been laid out prior to compulsory subdivision plat review, approval and filing shall comply with these regulations as now required.
- G. Topography, earthmoving and grading. Where development involves changes to topography, including earthmoving, grading, excavation or blasting, such procedures shall be done in accordance with all applicable codes and regulations and shall comply with the following

standards as much as possible:

- (1) Design the layout of lots, driveways, roads and all graded areas to follow existing contours and landforms.
- (2) Minimize the length of time and extent of area of disturbance.
- (3) Diminish the extent, height, depth and volume of cut and fill.
- (4) Avoid blasting.
- (5) Stabilize and reclaim all disturbed areas using site-specific materials and vegetation as appropriate.
- (6) Provide erosion control.

H. Preservation of topsoil. No topsoil shall be removed from any land subject to subdivision application in the Town, except that in areas over which heavy equipment will be operated, the topsoil shall be stripped and stockpiled on the property. When final grades have been established and construction activities have been completed, the property shall be suitably graded and, to the extent practicable, recovered with topsoil, except that portion of the site covered by buildings or included in the roads.

I. Watercourses. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by culverts or other permanent drainage structures. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way, not less than 30 feet in width. All such structures and rights-of-way shall be of design and specification approved by the designated Town Engineer and the Town Superintendent of Highways.

J. Floodplains. If any portion of the land within the subdivision is subject to periodic inundation or flood hazard caused by stormwater, this portion shall be clearly indicated on any submissions required by these regulations. In cases of doubt, the Planning Board may require the submission of a flood hazard study delineating the limits of the one-hundred-year floodplain. Such study shall be conducted by a licensed professional engineer. In addition, all subdivisions shall comply with all the applicable provisions of the Town Zoning law which apply to floodplains, and also comply with Chapter 82 of the Town of Woodstock Town Code entitled "Flood Damage Prevention."

- (1) Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy nor for any such other use that may increase danger to health, life or property or aggravate the flood hazard.

Building envelopes shall be placed outside any designated floodplain to the maximum extent feasible.

- (2) Any subdivision, including all proposed improvements and construction, must comply with all applicable provisions of the National Flood Insurance Act of 1968, including all amendments thereto.

K. Wetlands/streams. Any construction or disturbance within or near regulated streams and wetlands shall conform to NYSDEC or United States Army Corps of Engineer stream crossing or wetland disturbance requirements. Further, all requirements set forth in § 260-34 of the Town Zoning Law, entitled “Wetlands and Watercourse Protection Standards,” shall be met. Otherwise, any crossing or rechannelization, grading, filling or other disturbance to any surface water should be avoided whenever possible. Where necessary, alteration or disturbance shall be done in a manner such that:

- (1) Development or disturbance shall comply with pertinent requirements and standards of the Town of Woodstock Zoning Law, especially pursuant to § 260-34 .
- (2) Disturbance to stream banks, associated wetlands, and natural vegetation is minimized.
- (3) Natural volume and flow are maintained.
- (4) Adequate erosion and siltation control measures are constructed and maintained.
- (5) Proposed filling or disturbance of any wet area or wetland under the jurisdiction of the Army Corps of Engineers should conform to pertinent standards or permitting requirements.

§ 202-29 Subdivision design standards.

The subdivider shall additionally conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be modified, or waived, by the Planning Board only as provided for in Article X, §§ 202-43 and 202-44 of these regulations. Certain structures, such as but not limited to, three-plex and four-plex and multifamily residential uses, may also require application of specific design standards pursuant to the Town Zoning Law (Chapter 260 of the Town of Woodstock Code).

A. Lots.

- (1) Lots to be buildable. The lot arrangement shall be such that, in constructing a building in compliance with the Zoning Law, there will be no foreseeable prohibitions to development based upon soils, topography or other natural conditions.

- (2) Corner lots. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the greater of front or side building setback lines on both roads for the zoning district in which the lot is located.
 - (3) Minimum lot size. Except as provided by Article IX of these regulations regarding conservation subdivision development, or when average lot sizes are utilized pursuant to Zoning Law § 260-20 and other applicable exceptions and modifications provided in the Zoning Law, each lot shall be no smaller than the minimum lot area and lot dimensions required by the Zoning Law for the district in which it is located.
 - (4) Access from suitably improved roads.
 - (a) The subdivision of land shall be such as to provide each lot with satisfactory access, via suitably improved private or public roads, for routine and emergency purposes from the community's system of roadways. For design standards for accessways, refer to Article VII, § 202-30, Driveway standards, and § 202-32, Roads.
 - (b) However, a lot with less than 300 feet fronting on a county or state highway shall be designed as to share a common curb cut with an adjacent lot. When four or more such lots are proposed or could possibly be subdivided from a parcel with frontage on a county or state highway, frontage for all such lots shall be on internal streets, not on the county or state highway. Each lot permitted to front on a county or state highway shall provide for an improved on-site turnaround so as to prevent any vehicle from backing onto such highway. Similar provision on Town highways shall be required at the discretion of the Planning Board for reasons of traffic safety.
 - (5) Access from private roads. Access from privately owned and maintained shared driveways and roads, as may be authorized under § 280-a of the Town Law, shall be deemed acceptable only if such roads are designed and improved in accordance with Article VII, §§ 202-30 and 202-32 of these regulations or the current road specifications for the Town of Woodstock. A satisfactory ownership arrangement shall be provided to the Planning Board to delineate the long-term ownership and maintenance of said privately owned and maintained roads.
- B. Parks and recreational space. Adequate lands for parks and other recreational purposes shall be provided in any subdivision of land for residential purposes in the Town of Woodstock in accordance with the provisions of New York State Town Law § 277. Appropriately located pedestrian walking or bicycle paths and/or easements for such paths may be considered by the Planning Board as satisfying recreational requirements when such pathways link or expand opportunities to link together existing paths or access to important locations in Town. For major subdivisions, 50% of the parcel shall be established as open space pursuant to

Article IX of these regulations, and to Town of Woodstock Zoning Law § 260-91.

- (1) Before the Planning Board approves a subdivision plat containing residential units, such subdivision plat shall also show, when required by such Board, a park or parks suitably located for playground or other recreational purposes.
- (2) Land for park, playground or other recreational purposes may not be required within the subdivision unless the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such 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 plat will contribute.
- (3) In the event the Planning Board makes a finding pursuant to Paragraph (2) of this subsection ~~subdivision~~ that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board and pursuant to Sub-section (6) below. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat which could be locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood.
- (4) Amount of land set aside. In general, the Planning Board shall require that not less than five percent (5%) nor more than ten percent (10%) of the total land area within the subdivision be set aside and shown on the plat for park and recreation purposes. All lands designated on the plat as park or recreation space must be deemed suitable for this purpose by the Planning Board based upon analysis of the land's topographic, geologic, hydrological and locational characteristics. The Planning Board may establish such conditions on the subdivision concerning access, use, and maintenance of such park and recreation lands as deemed necessary to ensure the preservation of the lands, in perpetuity, for their intended purposes. Such conditions shall be clearly noted by the licensed land surveyor and/or professional engineer on the plat prior to final plat approval and subsequent recording of the plat in the office of the Ulster County Clerk.
- (5) Information to be submitted. In the event that an area to be used for park or recreation is required to be shown, the subdivider shall submit, prior to final plat approval, to the Planning Board drawings at a scale of not less than twenty (20) feet to the inch of such area and the following features thereof:

- (a) The boundaries of said area, giving length and bearings of all straight lines and radii, lengths, central angles and tangent distances of all curves.
 - (b) Existing features such as streams, ponds, wetlands and other significant environmental features, clusters of trees, rock outcrops and structures, existing and proposed.
 - (c) Existing and, if applicable, proposed changes in grade contours of said area and of the area immediately adjacent, for a distance of not less than 100 feet, with such contours to be at an interval of not more than two feet.
 - (d) Plans for improvements of said area, including but not limited to grading, seeding, fencing, landscaping, the provision of play and related equipment, and improvements relating to the protection of the public health and safety.
 - (e) Identification of significant plant and animal habitats.
- (6) Payment in lieu of dedication for parkland. If, because of the size, topography, or location of a subdivision, or because of the size of the individual lots provided within a subdivision, an offer of land dedication or the requirement for land reservation for parks and other public open space purposes could be deemed unreasonable or undesirable by the Planning Board, the Board may alternatively require, under § 277 of the Town Law, that a payment be made into a special trust fund to be used by the Town of Woodstock exclusively for park, playground or other recreational purposes, including the acquisition of property for Town recreation site acquisition in lieu of such land dedication or reservation within the subdivision. Such payment shall be a condition of approval of the final plat and shall be assessed in accordance with the subdivision fee schedule. No final plat shall be signed by the Chairman of the Planning Board until such payment has been received by the Administrative Assistant to the Planning Board.

C. Public improvements and utilities.

- (1) Placement. Underground improvements required by the Planning Board in accordance with Article VI, § 202-22 and public franchise utilities shall be placed in the road right-of-way between the road paving and the right-of-way line. Where topography makes such placement impracticable, perpetual unobstructed easements at least 20 feet in width shall be provided along lot frontages abutting the road lines, with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the Town or by a special district may be installed by the Town in a private road, provided that a public

easement of satisfactory size is obtained for such improvement or utility. Before the road is paved, the subdivider shall install underground service connections for all required improvements and utilities to the property line of each lot within the subdivision.

(2) Service connections.

- (a) Water. Where an appropriate public water main already exists and is physically and legally accessible, the subdivider may connect into said main and provide a water connection for each lot in accordance with Article 12 of the Town Law, the Public Health Law, and other applicable laws, rules and regulations. Where an appropriate water main does not exist or is not accessible, the subdivider shall install at their own expense such main together with all necessary valves, cutoffs, fire hydrants, pumps, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the Town.
- (b) Sanitary sewers. Where an appropriate public sanitary sewer system is reasonably physically and legally accessible, the subdivider shall install at their expense the necessary connections into the system and provide a sewer connection for each lot.
- (c) Storm drainage system.

[1] The subdivider shall install all necessary storm drainage sewers and appurtenant facilities at their expense, in accordance with standards of the Town and of all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto. Otherwise, the subdivider shall provide appropriate means and methods for stormwater runoff satisfactory to the Planning Board and all other authorities having jurisdiction. The storm drainage facilities provided shall be fully consistent with storm drainage design standards which may be promulgated and from time to time reviewed and modified by the Planning Board. The drainage system shall be large enough to accommodate potential runoff from the entire upstream drainage area whether inside or outside of the subdivision. The designated Town Engineer shall approve the design and size of facilities based on anticipated runoff from a twenty-five-year storm under conditions of total potential development permitted by the Zoning Law in the Watershed.

[2] The subdivider's engineer shall also study and report on the effect of each subdivision on the existing downstream drainage system outside the area of the subdivision and this report shall be reviewed by the designated Town Engineer. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a

twenty-five-year storm, the Planning Board shall not approve the plat until provision has been made for the improvement of said condition.

- D. Pedestrian ways. Adequate provision shall be made for the convenient and safe movement of pedestrians, mobility devices, non-motorized vehicles, and bicyclists in any subdivision of land for residential purposes throughout the Town of Woodstock.
 - (1) Pedestrian ways on collector roads. All roads designated as collector roads shall have an improved pedestrian path, sidewalk or bikeway provided on at least one side of the road. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than four feet between the sidewalk and the road pavement. A bikeway, or combined bicyclist-pedestrian path, not less than four feet in width, may be situated adjacent to the road pavement and be visually separated therefrom by striping on both its inner and outer edges.
 - (2) Provision for pedestrian destinations. To the extent considered practicable and in consideration of public health, safety and convenience, the Planning Board may require that additional or alternatively located pedestrian ways be provided within a residential subdivision to provide access to parks or public space, school sites, neighborhood shopping facilities, or similar destinations. Any such pedestrian way may be situated within either a public right-of-way or established within a suitable easement.
- E. Private water supply and sewage disposal facilities. Where public water supply and/or sewage disposal facilities are not available, the Planning Board shall ascertain as a part of subdivision plat review and approval that each prospective lot and dwelling unit may be adequately served by acceptable water supply and sewage disposal facilities. These facilities shall be designed and installed in accordance with the requirements of the Ulster County Health Department. Facilities on properties within the New York City watershed shall be designed in accordance with requirements of the Bureau of Water Supply, New York City Department of Environmental Protection.
- F. Road trees and seeding.
 - (1) The Planning Board may require the planting of trees on both sides of a newly installed roadway, in locations approved by the Planning Board. Trees shall generally:
 - (a) Be located near the property line and be spaced approximately 50 feet apart, subject to variations made necessary by driveways and road corners as well as by the species of trees planted; and
 - (b) Have caliper of two inches or larger measured at the height of at least six feet above

ground level and shall have a minimum height of 12 feet from the ground level. The species of trees will be approved by the Planning Board.

(c) Be native species or those hybrid species developed for resilience or hardiness.

(2) All embankments and disturbed areas shall be seeded with crown vetch or conservation mix.

§ 202-30 Driveway standards.

- A. A curb cut shall be obtained from the required agency/agencies: Town of Woodstock Highway, Ulster County Highway or New York State Department of Transportation.
- B. Minimum sight distances.
 - (1) The following AASHTO standards for the minimum sight distances from the center of the driveway from each direction shall be met:
 - (a) Thirty miles per hour: 200 feet to 250 feet.
 - (b) Forty miles per hour: 275 feet to 325 feet.
 - (c) Fifty miles per hour: 400 feet to 475 feet.
 - (d) Fifty-five miles per hour: 450 feet to 550 feet.
 - (2) If AASHTO standards cannot be met, then there must be at least a minimum clearance of 150 feet of sight distance from the center of the driveway in each direction.
- C. There shall be a minimum of one-percent negative grade from the edge of pavement into the first ten (10) feet of driveway.
- D. The average grade on the driveway shall be maintained at ten percent (10%), with the exception that there will be allowed on a single-family dwelling driveway a maximum grade of fourteen percent (14%) for 500 linear feet. In no case shall the driveway grade exceed twelve and a half percent (12.5%) for the first fifty (50) feet from the edge of the street pavement.
- E. The minimum radius on turns will be fifty (50) feet.
- F. All required drainage shall be included on the survey map and subject to approval by the Planning Board.

- G. If the road is 1,200 feet or longer, there will be vehicle turnouts of twelve (12) feet by thirty (30) feet provided at eight-hundred-foot intervals or as site conditions may allow.
- H. Driveways shall consist of gravel, crushed stone, brick, asphalt, concrete or other acceptable stabilized ground surface.
- I. The driveway's angle with the street should be as close to 90° as possible, but in no case shall a driveway's angle with the street be less than 60°.
- J. Driveways shall be twelve (12) feet wide and shall have a depth of twelve (12) inches of shale or run-of-bank gravel. On top of the twelve (12) inches must be a coat of 400 fines (or the equivalent) three (3) to four (4) inches deep.
- K. Any waiver from these standards shall be at the discretion of the Planning Board.

§ 202-31 Shared driveways.

- A. Shared driveways shall be built in accordance with minor road standards (see § 202-32F), except as to the road width which shall be sixteen (16) feet.
- B. Shared driveways shall be exempt from the requirements of § 202-32F(3) requiring minor roads to be marked by a licensed surveyor.

§ 202-32 Roads.

- A. General objectives. Roads shall be of sufficient width, suitably located, and adequately constructed to accommodate the prospective road maintenance equipment, service and emergency vehicles. The arrangement of roads shall be coordinated such that they compose a convenient system, cause no undue hardship to adjoining properties, and render no property inaccessible from an existing road or from a proposed road in a subdivision for which a completion bond or similar performance guarantee has been posted.
- B. Arrangement of roads/stub roads. To the extent practicable, the arrangement of roads in the subdivision shall provide for the continuation of roads to adjoining subdivisions and to adjoining properties which are not yet subdivided, by use of stub roads, in order to provide for a logical and efficient network of roads for general traffic, maintenance and transmission of utilities. Any stub road shall be provided with a temporary turnaround according to standards provided for cul-de-sac roads below. A note on the subdivision plat shall state that the land included within the turnaround which is outside the normal road right-of-way shall revert to the abutter upon continuation from the stub road.
- C. Road connections. Subdivisions containing twenty (20) or more lots shall have at least two (2) connections with existing roads, with roads shown on the Town's Official Map as may be developed in accordance with § 270 of the New York State Town Law, or roads shown on an

approved subdivision plat, or for which a performance bond or similar performance guarantee has been posted. Both road connections should conform to major road specifications.

D. Cul-de-sac roads.

- (1) Any cul-de-sac or permanent dead-end road shall be restricted to a length of 2,000 feet in order to provide for convenience of traffic movement and to facilitate effective police, fire and related emergency protection. At the end of cul-de-sac or permanent dead-end roads there shall be a paved "T" turnaround or equivalent fully paved circle with a radius of 50 feet. The "T" portion of the turnaround shall be paved to a width of 30 feet and shall have a minimum overall length of 120 feet. Where the end of the road meets the turnaround, flares of thirty (30) feet in radius shall be provided on each side of the road to facilitate turning into the "T" portion (see Addendum D).
- (2) In general, a minimum number of driveways should gain access from the turnaround portion of a cul-de-sac and driveways should instead enter from the straight portion of the road.

E. General standards and policy. Roads shall be laid out and constructed in accordance with the minimum design standards set forth in these regulations, Subsection F, Minor roads, and Subsection G, Major and intermediate roads, whether intended for public or private ownership. Any road to be dedicated to the Town of Woodstock, regardless of the number of home sites served, shall be designed according to specifications for major roads.

- (1) Classification of roads. Roads shall be classified according to the number of lots that they will serve and therefore constructed to the corresponding minimum design standards and specifications. At the discretion of the Planning Board, when the number of lots to be served by a road is increased, subsequent to further subdivision, the subdivider may be required to reconstruct the road to meet the corresponding minimum design standards and specifications. A road serving two to no more than five lots shall be classified as a minor road. A road serving six to no more than 10 lots shall be classified as an intermediate road. A road serving 11 or more lots shall be classified as a major road.
- (2) Modification of standards. Any deviation from any of the requirements below may be considered by the Planning Board in accordance with Article X of these regulations.
 - (a) In consideration of modification or waiver of these requirements the Planning Board shall consider the following:
 - [1] The adequacy of proposed roadway with respect to the public health, safety and general welfare.

- [2] The special circumstances of the particular roadway.
 - [3] The ability of service and emergency vehicles to gain unobstructed access to each lot and building site.
- (b) In each case, the resulting width, grade and construction of the roadway giving access to the proposed lot or building site shall be a function of its intensity of use and the prospective character of the development. The Planning Board may avail itself of the advice and assistance of experts on the granting of any waivers or variances if appropriate in any particular case.
- (3) Road maintenance agreement for private roads. As a condition to the approval of a private road, the Planning Board shall require the applicant to submit to the Planning Board and designated Planning Board Attorney for their approval a road maintenance agreement. Such agreement shall provide for the sharing of the obligation and cost of the repair and maintenance of the proposed road to be executed by the owners of all lots or parcels to which access is obtained by use of said road. Said agreement shall run with the land and be binding on the owners, their successors, distributees and assigns. The road maintenance agreement shall be recorded in the office of the County Clerk simultaneously with the filing of the approved subdivision plat. A maintenance bond or fund may be required as per Article VI, § 202-25.
- (4) Road names. All new roads, whether public or private, shall be named. Proposed names shall minimize repetition of or similarity to existing roads in the Town, surrounding communities or nearby zip code areas. Preferably, road names should be based on local history, culture or nearby landforms. Said road name must be approved by the appropriate Town or county authority.
- (5) Road signs.
- (a) A road sign, providing the name of the road, shall be provided at each new intersection created by proposed roads. Signs constructed to name roads shall comply with the following specifications, or similar construction may be proposed and must be approved by the Superintendent of Highways. The construction of any necessary traffic directional signs shall also meet the approval of the Superintendent of Highways.
 - (b) Road sign specifications:
 - [1] Signpost to be of material known as Telespar® and should be of a breakaway, adjustable design.

- [2] Post to be four feet by two inches squared primary post with nine feet by 1 3/4 inches squared inner post fastened with bolts.
 - [3] Top of post should be a cast bracket with slot for sign.
 - [4] Sign should be a six-inch by twenty-four-inch extruded sign.
 - [5] Signs should be white background with black, John Pike script.
- (6) Roads proposed for dedication to the Town of Woodstock.
- (a) Any offer to dedicate a new road, hereinafter referred to as "road" or "roads," to the Town of Woodstock must be made by a letter of transmittal to the Town Board by the party making such request for acceptance. Such letter shall be accompanied by a map, prepared and certified by a licensed land surveyor or professional engineer, showing the road alignment, the length, radius, point of curve and point of tangency of all curves therein and the grade between indicated critical points, either numerically or by a profile. The map shall also have a location sketch showing the road location in the Town and connection to existing roads.
 - (b) No offer to dedicate a new road will be considered unless it contains an offer from the owner to convey to the Town by proper deed the release of a roadway parcel of not less than fifty (50) feet in width over the full length of said road. Every such offer to dedicate shall also contain an offer to furnish all necessary or required easements from abutting property owners.
 - (c) A title search satisfactory to the Planning Board Attorney of and against the property to be conveyed shall be presented by the party making the offer to dedicate or by the party requesting acceptance of such offer, shall be obtained at their expense, and shall be a condition precedent to acceptance of the offer.
 - (d) The offer to the Town shall be an irrevocable offer of cession, which said offer should be made at the time that the subdivision is finally approved.
 - (e) The subdivider shall submit a proposed resolution for consent by the Town Board and a proposed order of the Superintendent of Highways laying out the proposed road as a public road. The subdivider shall submit a deed, along with the necessary gains form, and State Board of Real Property Services form to record the proposed road in the County Clerk's office in order that the road be owned in fee simple by the Town of Woodstock.
 - (f) The Town Superintendent of Highways and/or the Planning Board will not

recommend, and the Town Board will not accept or establish any new Town road which does not meet the minimum design standards and specifications for major roads provided in Subsection G of this section. These requirements and standards must be met and paid for by the subdivider, and the Town shall hold both the subdivider and/or the contractor responsible for the proper completion of said proposed Town roads.

- (g) Intent. It is the present intent of the Superintendent of Highways of the Town of Woodstock not to recommend, and the present intent of the Town Board of the Town of Woodstock not to approve, acceptance of any offer to dedicate or establish any new road which does not meet with the standards or requirements herein. These standards and requirements must be met and be paid for by the person or firm proposing that the Town take over such road. It is not mandatory for the Town to take over any road if the Town Board deems it not to be in the best interest of the Town of Woodstock to do so.

F. Minimum design standards and specifications for minor roads. At the Planning Board's discretion, to address such concerns as safety and efficiency, specifications provided for major roads may be used in design of minor roads.

- (1) A minor road shall serve two to no more than five lots.
- (2) All newly laid out or developed minor roads shall have a right-of-way of not less than fifty (50) feet. The minimum width of traveled way of a minor road shall be twenty (20) feet, including shoulders, with a minimum traveled way of sixteen (16) feet. An illustration is provided in Addendum C of these regulations.
- (3) Monuments and markers.
 - (a) Boundaries of all proposed minor roads shall be monumented by a licensed land surveyor and permanent markers shall be set on all property lines intersecting the road boundaries.
 - (b) Permanent markers shall also be set at all points of curve and at all points of tangency. On tangents or ownership frontage exceeding 300 feet, monuments shall be set at intervals not exceeding 300 feet.
- (4) The maximum grade of a minor road shall be ten percent (10%). At the Planning Board's discretion, and where a safer, more efficient road design will result, the road grade will be an average of ten percent (10%). Within this average grade, the absolute maximum grade shall be fourteen percent (14%), but only for a maximum continuous length of 350

feet. The average grade shall be calculated using various grades for specific lengths or portions of the road.

- (5) The minimum length of a vertical curve shall be 100 feet but not less than twenty (20) feet for each one-percent difference in grade. The minimum radius of horizontal curves shall be 100 feet measured at the center line.
- (6) Sight distance at the intersection of the proposed road with an existing road or of two proposed roads shall be adequate under the particular circumstances and shall be determined by the Planning Board in consultation with the designated Town Engineer and Superintendent of Highways. Under most circumstances sight distance shall be at least 150 feet.
- (7) The traveled way of a minor road shall be first cleared of all brush, scrub, trees and stumps for a minimum necessary width to provide sufficient area for grading, drainage and roadway construction. Any unsuitable material within the traveled way shall additionally be removed and not less than twelve (12) inches of compacted quarry rubble, creek gravel, or run-of-bank gravel or other pervious material acceptable to the Town Superintendent of Highways or designated Town Engineer shall be placed over the entire width of the traveled way. This shall be topped with not less than three inches of Item 4 or 400 fines. All roadway material shall be inspected and approved by the Town Superintendent of Highways or the designated Town Engineer.
- (8) If such minor road crosses over and upon lands owned by persons other than the applicant, the applicant shall produce competent proof acceptable to the Planning Board and designated Planning Board Attorney that the applicant has an adequate and valid easement or right-of-way over such lands and the power and authority to improve the road to the specifications herein and for the purposes intended.
- (9) All drainage facilities and turnarounds at the end of such road shall be adequate under the particular circumstances of the road as determined by the Planning Board in consultation with the Town Superintendent of Highways or designated Town Engineer.
- (10) As a condition to the approval of a minor road, the Planning Board shall require the applicant to submit to the Planning Board and Planning Board Attorney a road maintenance agreement. The agreement shall address the sharing of the obligation and cost of the repair and maintenance of the proposed road to be executed by the owners of all lots or parcels to which access is obtained by use of said road. Said agreement shall run with the land and be binding on the owners, their successors, distributees and assignees. Said agreement shall be referenced on the plat and in all deeds.

G. Minimum design standards and specifications for major roads, intermediate roads, collector roads or any roads proposed for dedication to the Town of Woodstock.

- (1) A major roadway shall serve eleven (11) or more lots. An intermediate roadway (see definitions) shall serve six to no more than ten (10) lots.
- (2) Articles 170 and 171 of the Highway Law must be fully complied with.
- (3) Monuments and markers.
 - (a) Boundaries of the proposed road shall be monumented by a licensed land surveyor and permanent markers shall be set on all property lines intersecting the road boundaries.
 - (b) Permanent markers shall also be set at all points of curve and at all points of tangency. On tangents or ownership frontage exceeding 300 feet, monuments shall be set at intervals not exceeding 300 feet.
- (4) The minimum width of road right-of-way shall be 50 feet and the minimum width of road pavement shall be twenty (20) feet with shoulders on each side of a width of four (4) feet. An illustration is provided in Addendum B of these regulations.
- (5) The minimum radius of horizontal curves shall be 400 feet.
- (6) The minimum length of vertical curve shall be 300 feet, but not less than forty (40) feet for each one-percent (1%) difference in grade.
- (7) The minimum length of tangency by reversed curves shall be 300 feet.
- (8) The maximum roadway grade shall be ten percent (10%). At the Planning Board's discretion, and where a safer, more efficient road design will result, the road grade will be an average of ten percent (10%). Within this average grade, the absolute maximum grade shall be fourteen percent (14%), but only for a maximum continuous length of 350 feet. The average grade shall be calculated using various grades for specific lengths or portions of the road.
- (9) The minimum roadway grade shall be at least 0.5% to assure proper drainage.
- (10) Sight distance at the intersection of the proposed road with an existing road or of two proposed roads shall be adequate under the particular circumstances and shall be determined by the designated Town Engineer and Superintendent of Highways. Under most circumstances sight distance shall be at least 150 feet.

- (11) All trees or bushes, and other existing vegetation, beyond the required twenty-eight-foot roadway width shall be preserved and maintained, except where removal is specifically authorized by the Planning Board. A minimum necessary width of the right-of-way shall be cleared of all objectionable brush, scrub trees and decomposed material to provide sufficient area for grading, drainage and roadway construction.
- (12) All drainage structures, ditches and culverts shall be designed by a licensed professional engineer and shall provide proper drainage for the maximum twenty-five-year storm. Whenever possible, the Planning Board shall require that the development yield a net zero increase in peak flow of runoff over predevelopment conditions for the twenty-five-year model storm event. On-site retention measures may be required to prevent any increase in runoff from leaving the site. These design computations shall be submitted to the Planning Board prior to the approval of the plat and shall be reviewed by the designated Town Engineer for compliance with this subsection.
- (13) All the necessary drainage structures shall be of accepted design and shall be of adequate size and length. Culverts shall be heavy steel pipe. Minimum acceptable culvert size is twelve (12) inches in diameter. Where culverts are required for driveway crossings, minimum length shall be twenty (20) feet and, if installed in more than one section, shall be joined by an approved steel band. If driveway culverts are required after roads have been accepted by the Town, installation thereof shall be the responsibility of and the cost shall be paid for by the party making the offer to dedicate the new road, the party requesting acceptance of such offer or the owner of the abutting property to be served by such driveway. The Town shall not be responsible for the installation of, or payment for, said culverts.
- (14) All drainage ditches shall be constructed to provide for the flow as described above, and easements shall be acquired by the applicant and presented to the Town Board in order to save the Town from claims of runoff onto the property of adjoining owners. These easements shall be satisfactory to the designated Town Engineer and the Planning Board Attorney and shall carry runoff to a defensible line of drainage.
- (15) The proposed road shall be graded for a full twenty-eight-foot width generally centered on the right-of-way and shall be of such character and alignment that complies with design, grades, and alignment shown on the approved plat. The designated Town Engineer and/or the Town Superintendent of Highways may require guide rails to be installed along the shoulder of the roadway when topographic conditions warrant. This shall apply to all minor, intermediate and major roads.
- (16) Utility poles shall be set in such a location that they normally will be in back of the ditch line or between the curb line and the theoretical sidewalk line, where applicable.

- (17) Any subsurface structures such as water, gas or sewer lines must be installed prior to the application for acceptance of the road by the Town authorities and shall be installed in compliance with sound construction practice and applicable codes and this article.
- (18) Bridges shall be constructed according to the current specifications of the New York State Department of Transportation.
- (19) Any unsatisfactory material within the limits of the proposed pavement shall be removed and the proposed road alignment shall be filled and compacted with a subbase consisting of not less than twelve (12) inches of No. 4, 4A or 5 broken stone, broken slag, crushed stone, quarry rubble, creek gravel or run-of-bank (ROB) acceptable to the designated Town Engineer and/or the Town Superintendent of Highways in accordance with the following requirements for the full twenty-eight-foot width of the proposed road. In some cases, where soil conditions warrant, undercutting and/or more than 12 inches of subbase may be required in order to ensure a stable subgrade.
 - (a) In general, coarse aggregate shall consist of well-graded, uniformly mixed broken stone, crushed gravel, screened gravel, broken slag, quarry rubble, creek gravel or run-of-bank gravel acceptable to the designated Town Engineer and/or the Town Superintendent of Highways and shall meet the requirements given for these materials, specifically including:
 - [1] If deliveries of coarse aggregate show segregation of sizes, material shall be mixed to the specified gradation before using.
 - [2] No aggregate containing more than five percent (5%) chert, as determined upon inspection by the designated Town Engineer, may be used for surface treatment work.
 - [3] All stone, gravel or slag must be of the required sizes when placed in the work, and breaking up stone, gravel or slag by hammers or otherwise will not be permitted.
 - [4] Crushed stone shall consist of clean, durable, sharp-angled fragments of rock of uniform quality throughout. Gravel hardheads retained on a four-inch scalping screen and then crushed will be acceptable as crushed stone, provided that such crushed hardheads shall meet gradation requirements for the type of stone specified.
 - (b) The subbase material shall be thoroughly compacted by the use of a ten-ton power-driven vibratory roller or other equipment approved by the designated Town

Engineer and/or Town Superintendent of Highways. All imperfections that may show up must be brought up to an elevation parallel to, but six inches below, the finished grade.

- (20) After the subbase has been thoroughly compacted and trimmed to an even surface, both in profile and cross section, six inches of gravel, Item No. 4 or 400 fines acceptable to the Town Superintendent of Highways shall be placed thereon. This material shall then be compacted with a ten-ton power-driven vibratory roller to present an even surface both longitudinally and transversely. To this surface shall then be applied a wearing course of bituminous material of either motor paving or blacktop in accordance with specifications and inspection procedures established by the Town and shall generally meet the most current NYSDOT specifications. All roadway material shall be inspected and approved by the designated Town Engineer and/or the Town Superintendent of Highways. Recycled materials may be used in the wearing course of roadways only with the approval of the Superintendent of Highways. Standards in the sections below refer to the latest edition of the New York State Department of Transportation Specifications (e.g., NYSDOT Section 700-70).

(a) Motor paving (road mix bituminous pavement).

- [1] Description. This work shall consist of constructing one or more courses of road mix bituminous pavement on a prepared base in accordance with these specifications and in substantial conformance with the lines, grades, thicknesses and typical cross sections shown on the plans or established by the Engineer.

[2] Materials:

- [a] Bituminous material. The bituminous material shall meet the requirements of NYSDOT Section 702-31, Asphalt Emulsion or Cationic Asphalt Emulsion. The type of bituminous materials shall be as specified on the plans or in the proposal unless otherwise directed by the Engineer.
- [b] Aggregates. The aggregates shall be Department-approved aggregates meeting the requirements of NYSDOT Section 703-02, Coarse Aggregates, for the sizes specified.
- [c] Hydrated lime. Hydrated lime shall meet the requirements of NYSDOT Section 712-04, Hydrated Lime.

- [3] Composition of mixtures. The bituminous road mix shall generally be

composed of a mixture of aggregate, hydrated lime, if required, and bituminous material. The mix shall be proportioned as specified in the table below, Composition of Bituminous Road Mixtures:

Composition of Bituminous Road Mixtures

Aggregate Sizes	Compacted Thickness		
	Mix 1 Limits ¹	Mix 2 Limits ¹	General (inches)
No. 1	15% to 25%	75% to 85%	4
No. 1A	—	15% to 25%	4
Bituminous material ²	4.0% to 6.0% ³	4.7% to 6.7% ³	—

NOTES:

- ¹ Percentage based on total aggregate weight.
- ² Percentage based on total mix weight.
- ³ When asphalt emulsion, material designation NYSDOT Section 702.31 is used, 0.2% to 0.3% of hydrated lime may be added to the mix to hasten the break of the emulsion.

[4] Construction requirements:

- [a] Weather limitations. Bituminous material or mixture shall not be applied on any soft surfaces, when the weather is wet, when the air temperature is below 50° F. in the shade or when the weather conditions would prevent proper construction of the pavement.
- [b] Equipment. The following equipment shall be required: travel plant mixer; distributor; roller, ten-ton minimum, vibratory; power broom; motor grader, if required; and miscellaneous equipment necessary to perform the work. The travel plant mixer shall be capable of continuously mixing aggregates with bituminous material in the specified proportions in a mixer unit and then deposit the mixture on the prepared base. All equipment and the condition of the equipment shall meet the approval of the Town-designated Engineer.
- [c] Preparation of the base. The roadway surface to be covered shall be free from holes, depressions, bumps, waves and corrugations. Any unsuitable surface areas shall be repaired by replacement of the unstable materials or by patching with a material to produce a tight surface having the same elevation as the surrounding surface. The roadway surface shall be broomed when ordered by the Town-designated Engineer to remove loose material.

- [d] Mixing and spreading. The aggregate and asphalt shall be thoroughly mixed so that the bituminous material is uniformly distributed throughout, and all aggregate particles are completely coated. If hydrated lime is used to hasten the break of emulsion, the lime may be added to the mix just prior to the discharge of the material from the mixer. The mixture shall be deposited on the prepared base at the back of a mechanical spreader in a uniform layer so as to produce the specified minimum thickness of four inches after compaction.
 - [e] Compaction. After spreading, the mixture shall be thoroughly and uniformly compacted with a self-propelled, steel-wheeled, vibratory, ten-ton roller to obtain a thoroughly compacted pavement. The number of roller passes to achieve the desired compaction shall be approved by the designated Town Engineer.
 - [f] Surface testing. The finished surface of the pavement shall be tested with a sixteen-foot straight edge laid parallel with the center line of the pavement. Any area exceeding a 1/4-inch variation from the surrounding area shall be satisfactorily corrected or removed and replaced.
- [5] Pavement sealing, final coat.
- [a] Immediately after compacting the road mix, No. 1A size stone meeting the requirements of NYSDOT Section 703-02, Coarse Aggregates, at the rate of 15 to 20 pounds per square yard shall be uniformly spread upon the surface and the course rolled thoroughly. The pavement shall not be opened to traffic for a minimum of three days after placing the No. 1A size stone and before placing the seal coat.
 - [b] The seal coat shall be bituminous materials asphalt emulsion meeting the requirements of NYSDOT Section 702-31 applied at the rate of 0.55 to 0.65 gallon per square yard. This shall be immediately followed by an application of No. 1A aggregate at the rate of 15 to 20 pounds per square yard which shall then be rolled.
- [6] Pavement sealing, second coating. One year after the first seal coat is placed, there shall be placed a second seal coat applied to the full width of the road. The second coat shall be similar to the first coat in every way,

except limited traffic may be allowed.

(b) Blacktop (asphaltic concrete pavement) details.

[1] Description.

[a] After the base courses have been completed, two courses of asphaltic concrete paving shall be applied. Materials shall conform to NYSDOT standards specifications and shall be furnished by a bulk asphaltic producer regularly engaged in the production of hot-mix, hot-laid asphaltic paving materials.

[b] Materials shall not be placed over wet or frozen subgrade surfaces. Install asphalt surface materials only when base is dry and surface temperature is 40° F. or above.

[2] Materials. The first course shall be an asphaltic, leveling course equal to NYSDOT Section 403-13 asphalt concrete Type 3 binder course. The second course shall be an asphaltic surface course equal to NYSDOT Section 403-18 asphalt concrete Type 7 top course.

[3] Tolerances.

[a] In-place compacted thickness: base course, maximum 1/2 inch; surface course, maximum 1/4 inch.

[b] Finished surface smoothness: base course, maximum 3/8 inch in 10 feet.

[c] Surface course: maximum 1/4 inch in 10 feet in any direction.

[4] Equipment.

[a] Paving equipment: spreading, self-propelled asphaltic paving machines capable of maintaining line, grade and thickness as required.

[b] Compacting equipment: self-propelled vibratory rollers, minimum ten-ton weight.

[5] Installation.

[a] Remove loose and foreign material from compacted base immediately before application of surface materials. Do not start surface work until

all other work which may damage the finish surface is completed.

- [b] Install asphalt surface materials in two courses, leveling course and surface course, total compacted depth as required.
 - [c] Place, spread, and strike off the asphalt concrete mixture on a properly prepared and conditioned surface. Inaccessible and small areas may be placed by hand. Place each course to the required grade, cross section, and scheduled compacted thickness. Place materials in strips not less than 10 feet wide. After the first strip has been placed and rolled, place all succeeding strips and extend rolling to overlap previous strips. Complete base course for a section before placing surface course materials.
 - [d] Carefully make joints between old and new pavements, and between successive days' work, to ensure a continuous bond between adjoining work. Construct joints to have the same texture, density and smoothness as other sections of the asphalt concrete course.
 - [e] Begin rolling operations when the asphalt concrete mixture will bear the weight of the roller without excessive displacement. Compact areas inaccessible to rollers with vibrating place compactors.
 - [f] Rolling shall continue until the asphalt concrete mixture has been compacted to the required surface density and smoothness. Continue rolling until all roller marks are eliminated. Provide a smooth, compacted surface texture to thickness and elevations required.
 - [g] Protect newly placed material from traffic by barricades or other suitable methods acceptable to the Town Superintendent of Highways.
- [6] Field quality control.
- [a] Test for surface smoothness with ten-foot straight edge. Deficient areas shall be defined, removed and replaced, or adjusted to design thickness by methods acceptable to the Town Superintendent of Highways and/or designated Town Engineer.
 - [b] When, during progress of work, field inspection indicates that installed compacted materials do not meet specified requirements, remove defective materials and install new materials at contractor's expense as directed by the Town Superintendent of Highways and/or designated

Town Engineer.

- [7] Protection. Protect paving from damage due to construction and vehicular traffic until final acceptance.
- [8] Cleaning. Perform cleaning during installation of the work and upon completion of the work. Remove from site all excess materials, debris, and equipment. Repair damage resulting from paving operations. Sweep pavement and wash free of stains, discolorations, dirt and other foreign material immediately prior to final acceptance.
- [9] Pavement schedule, asphalt pavement: asphalt binder course, 2 1/2 inches compacted depth; asphalt top course, 1 1/2 inches compacted depth.

(21) Inspections.

(a) Required inspections by the Superintendent of Highways and/or designated Town Engineer.

- [1] First inspection. Upon completion of clearing the road of all brush, scrub trees, and stumps and completion of rough grading (before subbase).
- [2] Second inspection. Upon the completion of the twelve-inch subbase and covering by six inches of acceptable graded material complete except for motor paving or blacktop covering. For unpaved roads, inspection of trees and seeding shall be included at this time.
- [3] Third inspection. After the first layer of bituminous mixture is spread and compacted.
- [4] Fourth inspection. When sealer is being applied or after surface course of asphaltic concrete has been placed or after the seal coat of bituminous materials and aggregate have been spread and rolled. Inspection of trees and seeding shall be included at this time.

(b) Additional information may be found in the addenda or further details may be obtained from the Superintendent of Highways.

(22) Penalty. Developers not complying with above inspections and requirements will be required to furnish a cross-sectional cut of road as requested by the Superintendent of Highways or designated Town Engineer and repairs shall be made at the developer's expense.

Article VIII Documents To Be Submitted

§ 202-33 Plats and documents required.

Any subdivider who proposes to develop a subdivision in the Town of Woodstock shall submit plats and other documents for approval as provided in this article.

§ 202-34 Minor subdivision.

A. The following shall be submitted:

- (1) Completed subdivision application form, receipt for payment of required application fee as specified by Article V, § 202-15D of these regulations, and six copies of the proposed subdivision plat certified by a licensed land surveyor and/or professional engineer bearing the Planning Board's assigned case number, including individual stamp/signature blocks for endorsement by the owner(s) of the subject parcel(s), the Town Planning Board and the Ulster County Health Department, and suitable for filing in the office of the County Clerk.
- (2) Documentation signed by the owner which authorizes the applicant or representative to proceed with the application for subdivision of the subject parcel.
- (3) Information regarding other variances, permits, referrals or reviews needed for this project which have been or will be obtained.

B. In the case of a minor subdivision or a minor subdivision with a road only, the subdivision plat application shall include the following information for the entire parcel:

- (1) An area map showing the entire parcel, the location of that portion of the tract which is to be subdivided, and the distance to the nearest road intersection. The drawing of the entire tract may be by either deed plot or actual survey.
- (2) An actual field survey of the boundary lines of the tract showing the locations of each proposed new lot and indicating the acreage of each lot. Any field survey shall provide complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and shown on the plat. The Planning Board may modify the requirements for a full field survey pursuant to Article X, § 202-44 of these regulations. Elevation contour lines at intervals of two to five feet of elevation may be required and should be based on a datum plane approved by the Town Engineer.
- (3) Information concerning portions of the land within the subdivision subject to periodic inundation by stormwater, wetlands, wet areas, streams, ponds and other natural or man-made water bodies or drainageways and proposed drainage improvements. The Town's

Natural Resource Inventory should be reviewed to identify natural resources on the site, and compliance with this requirement shall be indicated in the subdivision application documents.

- (4) Information regarding natural or man-made features such as excavated areas, depressions, rock outcrops, fences, walls, existing buildings, wooded areas, fields, logging roads, etc.
- (5) A copy of such existing or proposed covenants or deed restrictions as are intended to cover all or part of the tract.
- (6) Documentation regarding all rights-of-way and easements, existing or proposed, which either affect, or are intended to affect, any portion of the subdivision plat.
- (7) Where applicable, approximate zoning district boundaries shall be shown on the plat, and proposed lot lines, buildings, roads, road specifications, parking, driveways and driveway design standards; road names, proposed road naming signs, and needed traffic directional signs and their construction details; and proposed use of buildings, residential, commercial, etc. At its discretion, the Planning Board may require that road specifications and design information, as detailed as that required for a major subdivision plat, be provided on a minor plat.
- (8) Proposed locations of a building envelope for each lot proposed to be created. The Planning Board shall require the establishment of a building envelope for each lot to be created. Building envelopes shall not encroach upon any yard or setback, or upon any environmentally constrained land, including but not limited, to slopes exceeding twenty five (25%), locations in the Floodway District and other floodplains, wetlands or watercourse buffer areas. Building envelopes shall not adversely impact important habitats.
- (9) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Ulster County Department of Health and/or the Town of Woodstock wastewater management districts. Evidence of contact with the Health Department shall be presented at the time of application and a specific note regarding this requirement shall be stated on the plat. Applications located within the New York City watershed area should include evidence of contact with the Bureau of Water Supply, New York City Department of Environmental Protection.
- (10) Table showing required area and bulk regulations for the zoning district(s) in which the subdivision is located and proposed setbacks, lot areas, etc., including the requirements of any applicable Zoning Law overlay zoning district. (See Zoning Law.)

- (11) The date, North arrow, map scale, and name and address of record owner(s) and subdivider; tax map numbers: section, block and lot; and proposed subdivision name, Town of Woodstock, Ulster County, New York.
- (12) An environmental assessment form (EAF) as required by the Town of Woodstock environmental quality review (TWEQR) regulations.
- (13) Appropriate portion of the tax map showing all adjacent owners and a list of the names and addresses of all adjacent property owners as shown on the most recent Town assessment roll. Property owners across roads and streams are considered adjacent owners.
- (14) Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the subdivision plat, including the submission of additional data more typically required for a major subdivision plat.

C. For lot line revision subdivisions, the following shall also be provided:

- (1) Application and authorization to represent forms should contain the names, addresses and signatures of all landowners whose parcels are the subject of any and all parts of the lot line revision subdivision. Subdivision plans should show all affected lots and include endorsements for all involved landowners.
- (2) The plan should indicate proposed new lot lines and those existing lot lines which will remain as solid lines to clearly show what will result after approval. In addition, each of the proposed lines should be labeled as "new lot line." Dashed or hash-marked lines should be used to indicate which lot lines will no longer exist after approval. Each of these should be labeled as "old lot line, to be removed."
- (3) A separate explanatory note should be included on the plan to clarify the result of approval, such as the following language: "Proposed lot lines to supersede previous configuration of lots. Previously approved and filed lot lines to become null and void."
- (4) The resulting acreage of each lot should be shown on the plan. Zoning Law lot, area and bulk requirements shall be shown to indicate conformity.

§ 202-35 Major subdivision preliminary plat.

A. In addition to the site analysis requirements for a Conservation Subdivision pursuant to Article IX of these regulations, the following shall be submitted:

- (1) Completed subdivision application form, receipt for payment of required application fee as specified by Article V, § 202-15D of these regulations, and six copies of the proposed

subdivision plat, bearing the Planning Board's assigned case number, including individual stamp/signature blocks for endorsement by the owner(s) of the subject parcel(s), the Town Planning Board and the Ulster County Health Department, and suitable for filing in the office of the County Clerk.

- (2) Documentation signed by the owner which authorizes the applicant or representative to proceed with the application for subdivision of the subject parcel.
 - (3) Information regarding other variances, permits, referrals or reviews needed for this project which have been or will be obtained.
- B. The appropriate short- or long-form EAF should be completed depending on the scale, magnitude and terrain of the proposed project to fulfill requirements of TWEQR review.
- C. The plat should be certified by a licensed land surveyor and/or professional engineer, as required by law, drawn at a scale of not more than 100 but preferably not less than 50 feet to an inch. If it is not possible to show the entire project at the above scales on one sheet, then a different scale may be used. The project should also be shown on more than one sheet of the recommended scale. Include proposed subdivision name.
- D. General plat information:
- (1) An area map showing the entire parcel and that portion of the tract which is to be subdivided in relation to the entire tract and showing the distance to the nearest road intersection. The drawing of the entire tract may be by either deed plot or actual survey.
 - (2) The date, North arrow, map scale, and name and address of record owner(s) and subdivider; tax lot numbers: section, block and lot; and proposed subdivision name, Town of Woodstock, Ulster County, New York. Where applicable, approximate zoning district boundaries shall be shown on the plat.
 - (3) Appropriate portion of tax map showing all adjacent owners. A list of the names and addresses of all adjacent property owners as shown on the most recent Town assessment roll. Property owners across roads and streams are considered adjacent owners.
 - (4) Table showing required area and bulk regulations for the zoning district(s) in which the subdivision is located and proposed setbacks, lot areas, etc. (see Zoning Law).
 - (5) Purpose and Restrictions – Applicant must describe the use of the land and any existing or proposed restrictive covenants or deed restrictions to be included as part of the proposed subdivision.

E. Information on existing site conditions:

- (1) An actual field survey of the boundary lines of the entire tract to be subdivided, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments of such size and type as approved by the Planning Board and shall be referenced and shown on the plat.
- (2) Road rights-of-way on the subdivision and within 200 feet of its boundaries, including name, right-of-way width and location; type, width and elevation of surface; and any legally established center-line elevations, including those at intersections and other critical points.
- (3) Location, width, identification, purpose, and restrictions upon any other rights-of-way and easements on the subdivision.
- (4) Drainage structures on the subdivision and within 200 feet of its boundaries, including type of structure and location, invert elevations, gradients, types and sizes of all pipe and all other drainage structures where applicable, including direction of flow.
- (5) Location and size or capacity of all other utility structures, such as sewer, water, gas mains and power lines, on the subdivision and within 200 feet of its boundaries.
- (6) As contours affect proposed or existing improvements that will be utilized, ground elevations on the tract shall be based on a datum plane approved by the designated Town Engineer. For land with slope that is less than approximately 2%, spot elevations should be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than 2%, contours should be shown at intervals of not more than two feet or as required by the Planning Board.
- (7) Marshes, ponds, streams, wetland or watercourse buffers, and all land subject to periodic or occasional flooding, or similar unstable conditions, on the subdivision. Their location, approximate land area, high-water level based on one-hundred-year storm, and maximum depth of water at critical points shall be indicated. The Town's Natural Resource Inventory should be used to identify natural resources on the site.
- (8) Location of rock outcrops, wooded areas, isolated preservable trees, structures, stone walls and other significant existing features for the proposed subdivision area.
- (9) Data regarding soils characteristics from the USDA Soil Conservation Service soils survey.

- (10) If the proposed subdivision will not be served by common sewage disposal, subsurface data in accordance with Ulster County Health Department requirements, including date, location and graphic representation of findings for all test holes, including location and results of percolation and other tests to ascertain subsurface soil, rock and groundwater conditions, and depth of groundwater unless pits are dry at a depth of five (5) feet.

F. Information on proposed site development:

(1) Roads:

- (a) Name (to be checked prior to submission with the Ulster County Real Property Tax Service Office to avoid duplication and subject to subsequent approval of the Town Planning Board), proposed road naming signs, any needed traffic directional signs and their construction details.
- (b) The width, location, design standards and specifications, including cross section of any driveways, roads or public ways or places shown on the Official Town Map, within the area to be subdivided, together with profiles of all roads or public ways proposed by the developer.
- (c) Right-of-way width.
- (d) Tentative center-line elevations at intersections and at principal changes in gradient.
- (e) Tentative center-line gradient shown in percent of slope.
- (f) Computed sight distance at intersections and other critical points.
- (g) Plans and cross sections showing, as applicable, the proposed location and type of pedestrian walkways, road lighting standards, road 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 manholes, basins and underground conduits.
- (h) Preliminary designs of any bridges which may be required.

(2) Lot layout:

- (a) Lot lines and dimensions scaled to the nearest foot.
- (b) Proposed location and use of buildings, including identification of proposed affordable units and/or multifamily homes, parking areas, driveways and driveway

design standards in full accordance with zoning and other requirements.

- (c) Lot numbers and lot areas measured to the nearest 100 square feet if less than one acre or nearest 0.1 of an acre for parcels greater than one acre.
- (3) Easements, parks, restricted areas and other improvements:
 - (a) Purpose and restrictions.
 - (b) Designation of areas or rights-of-way which are to be offered for public dedication or deeded to homeowners' associations or other private entities or corporations with clear indication of proposed changes in grades and landscaping thereon. ~~The~~ Additionally, all land proposed to be preserved as part of the minimum fifty percent (50%) required open space pursuant to Article IX (Conservation Subdivision) of these regulations shall be shown.
- (4) Preliminary stormwater drainage system plan:
 - (a) Drainage structures shall be shown on the preliminary plat indicating the approximate location and size of proposed lines and culverts and their profiles, including connection to existing storm system or alternate means of disposal.
 - (b) Outline of watersheds tributary to drainage structures and their approximate area in acres, including those which extend beyond the boundaries of the subdivision.
- (5) Preliminary water supply and sewage treatment systems:
 - (a) If public facilities are available or to be provided, the approximate location, size and profiles of all proposed waterlines, valves, hydrants and sewer lines, including connection to existing facilities, and location of subsurface sewage disposal systems and wells, as required and provided in the Public Health Law.
 - (b) If private on-site facilities are provided, design data consistent with the requirements of the Ulster County Health Department. Applications located within the New York City watershed area should include evidence of contact with the Bureau of Water Supply, New York City Department of Environmental Protection.
- (6) Easements. Where the topography is such as to make difficult the inclusion of any of the required facilities and improvements within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property.

- (7) Covenants, conservation easements, or deed restrictions. A copy of all covenants, conservation easements or deed restrictions which either presently affect, or are intended to apply to, all or part of the tract, including that proposed to preserve the minimum fifty percent (50%) required open space within a conservation subdivision and any deed restrictions existing or required related to Affordable Housing. Such covenants, easements or deed restriction(s) shall be noted on all approved, filed plats, and enforcement of such restrictions shall be referenced as part of any approval or conditional approval of the subdivision.
 - (8) Temporary stakes or markers. The Planning Board may require the location of temporary stakes or markers adequate to enable the Planning Board to locate readily and appraise the basic layout in the field, including markers at the corners of the tract. Unless the subdivision is adjacent to an existing road intersection, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.
- G. Preliminary engineering report detailing the demands of the proposed subdivision on water, sewer, drainage, highways and related systems, and detailing the methods through which these demands shall be accommodated and the methods, including available alternatives, through which any potentially adverse impacts shall be mitigated.
- H. Additional data that may be required to complete TWEQR process or to address any unique circumstances of the subdivision.

§ 202-36 Major subdivision final plat.

- A. Completed subdivision application form, receipt for payment of required application fee, as specified by Article V, § 202-15D of these regulations, a linen or mylar and six copies of the final plat certified by a licensed land surveyor and/or professional engineer, as required by law, at a scale of not more than 100 but preferably not less than 50 feet to an inch shall be provided. The final plat shall bear the Planning Board's assigned case number, include individual stamp/signature blocks for the Town Planning Board and the Ulster County Health Department, and be suitable for filing in the office of the County Clerk.
- B. To the extent applicable, the following information will be submitted for approval and shall constitute a final plat:
 - (1) The lot layout shown on a map of the entire subdivision shall be the same as that required on the preliminary plat with the following additions:
 - (a) Number identification of lots by a suitable system of consecutive numbers circled and related to the Town tax maps.

- (b) Lot lines with accurate dimensions to the nearest tenth of a foot and bearings to nearest five seconds.
 - (c) Lot areas for each lot measured accurately to the nearest 100 square feet for lots of one acre or less and to the nearest 0.1 acre for lots greater than one acre.
 - (d) Minimum building setback lines, if imposed through deed restriction, shown and dimensioned.
- (2) Survey data:
- (a) Accurate tract boundary lines with bearings and distances.
 - (b) Survey tie-in with accurate bearings and distances to nearest established road monuments or other official monuments which are within reasonable distance of the property. When referenced to the State System of Plane Coordinates, they shall also conform to the requirements of the New York State Department of Transportation. They shall be placed as required by the designated Town Engineer and their location noted and referenced upon the plat.
 - (c) Special district boundaries, e.g., water or sewer, as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances.
 - (d) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each road.
 - (e) Accurate dimensions to the nearest 1/10 of a foot.
 - (f) Monuments:
 - [1] Accurate location of all monuments (existing, proposed, or to be reset) shall be shown.
 - [2] Monuments shall be of a type approved by the Planning Board and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all road intersections, angle points of curve, and at such intermediate points as may be required by the Planning Board.
- (3) Required improvement plans and profiles:
- (a) The amount of all performance guarantees and conduct of all required inspections shall be based on these drawings, the final plat itself, these Subdivision

Regulations and other applicable Town specifications for such required improvements and utilities.

- (b) Unless a specific waiver is requested and granted in writing by the Planning Board, the proposed improvements and utilities shall be considered to comply specifically with these Subdivision Regulations and the other applicable Town specifications for such improvements and utilities.
- (c) Basic drawing layout requirements are the same as those required for the preliminary plat and shall also include rights-of-way, gradients, and directional arrows downhill.
- (d) Designs for waterlines, sewers, roads, bridges and drainage structures shall be prepared by a licensed professional engineer.
- (e) Complete drainage system for the entire subdivision shall be shown with appropriate development staging for each of the final plat sections, shown graphically and related to all existing drainage features.
- (f) Utility system requirements:

[1] Water supply and distribution:

- [a] Location of source on property or, where piped in, the size of the supply main.
- [b] Location and size of all distribution mains.
- [c] Location of fire hydrants.
- [d] Location of control valves.

[2] Sanitary waste disposal systems:

- [a] Sanitary sewer system design shall be indicated in all cases where public or private central sewer connections exist or are proposed.
- [b] Typical lot layout indicating location of individual system, where appropriate, with reference to house and water supply, and detailed drawing of proposed sanitary waste disposal system.

[3] Location of electric, telephone, cable television, gas, and other energy-

related lines. These should be installed underground as per Article **VI**, § **202-22B** of these regulations.

[4] Location and description of road lighting.

(g) Profile drawing requirements:

[1] Drawings shall be prepared with horizontal scale of one inch equals fifty (50) feet and vertical scale of one inch equals ten (10) feet, unless otherwise approved by the Planning Board.

[2] All profiles shall show the existing natural grades, the typical cross section of existing or proposed roads, the center lines of intersecting roads and a system of survey situations.

[3] The center-line profile of all proposed roads with dimensions on vertical curves, and notations as to gradient and critical elevations.

[4] Detailed plans for bridges, culverts or similar structures.

[5] The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in road rights-of-way, drainage or other easements.

(h) Recreation, open space and community improvements. Landscape plans prepared by a registered landscape architect and/or architect indicating proposed changes in existing grades and landscaping, including the following items: play areas, walkways, incidental shelters, lighting, walls, new native tree species or hybrid species developed for resilience and hardiness, shrubs (location, caliper and botanical name), and other required improvements. Such plans shall make use of native species as much as possible.

(i) Final engineering report.

(4) Certifications.

(a) Certification of title showing that the applicant is the owner or duly authorized agent of the owner.

(b) Irrevocable written offers of cession to the Town for all proposed public roads, rights-of-way and open spaces shown on the subdivision plat and copies of agreements or other documents showing the manner in which open spaces, title

of which is reserved by the subdivider, are to be maintained. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Planning Board Attorney as to their legal sufficiency.

- (c) A certificate by the designated Town Engineer certifying that the subdivider has complied with one or both of the following alternatives:
 - [1] All or part of the improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Board granting approval of the preliminary plat.
 - [2] A performance bond or equivalent security has been posted available to the Town in sufficient amount to assure completion of all required improvements.
- (d) Protective covenants and other appropriate devices in form for recording.
- (e) Letters directed to the Chairman of the Planning Board and signed by a responsible official or any governmental authority or district which must provide necessary utility service, approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision. Assurance shall also be provided that the long-term ownership and maintenance of the utilities shall be provided in accordance with Article 12 of the Town Law or similarly acceptable mechanism.
- (f) Letter, in appropriate cases, directed to the Chairman of the Planning Board and signed by a responsible official of the State Department of Transportation, or the Ulster County Highway Department, approving proposed construction and access on state or county rights-of-way, respectively. If access or construction affects a Town highway, approval of the Town Superintendent of Highways shall be similarly required.
- (g) Endorsement and approval by the Ulster County Health Department for the plans for all water supply and sewage disposal facilities shown on the final plat. Equivalent endorsement should be provided by the Bureau of Water Supply, New York City Department of Environmental Protection for properties within the New York City watershed.

Article IX Conservation Subdivision and Other Flexible Design Methods

§ 202-37 Authority and purpose.

Reader's Aid Box: Conservation Subdivision

A conservation subdivision is the required method for designing major subdivisions (five lots or more). It allows for residential development along with preservation of open space. It does so by allowing flexibility in lot sizes and other dimensions, requiring that 50% of the parcel be preserved as open space, and emphasizes where home sites will be located instead of lot lines. Here, the design process occurs in specific order to maximize environmental protection, and these include 1) identify conservation areas, 2) select housing locations, 3) draw in streets, driveways, and trails, and 4) draw in lot lines. Zoning regulations that give developers flexibility in lot sizes and setback requirements allow conservation subdivisions to achieve the same overall density levels as conventional subdivisions.

Developers build the same number of homes while also conserving open space. A conservation subdivision usually results in a variety of lot sizes: Some lots may be smaller, and some may be bigger than the minimum for the zoned district as long as the average size of all lots created is greater than or equal to the minimum acreage established for the zoned district, and the required open space is permanently preserved. Landowners may achieve a slightly higher density in a conservation subdivisions through a provision in the Zoning Law that allows for density bonuses in exchange for provision of affordable housing opportunities.

- A. Pursuant to resolution of the Town Board and the provisions for conservation subdivision in the Zoning Law, the Planning Board is empowered to modify the Zoning Law's lot area and bulk requirements in accordance with the provisions of § 278 of the New York State Town Law to enable and encourage flexibility of design and development of land to promote the most appropriate use of land, to facilitate the economic use of roads and utilities and to preserve the natural and scenic qualities of open lands. The following shall be the procedure utilized by the Planning Board in reviewing the applications for approval of a conservation subdivision within the Town of Woodstock. Standards in Town of Woodstock Zoning Law § 260-91 shall be addressed in applications made pursuant to this article. Use of this procedure pursuant to § 278 of the New York State Town Law does not allow any increase in density, in terms of the number of lots or dwelling units, over that which could be achieved in a conventional subdivision plat conforming to all other standards in the Town of Woodstock Zoning Law and Subdivision Regulations unless the applicant is granted a density bonus pursuant to the Zoning Law § 260-92.6 .

A further purpose of this Article are to promote the orderly, economic, aesthetic, environmentally sound and efficient development of the Town consistent with its rural, small-town, and artist-oriented character. Another purpose is to address the continuing need

for the conservation of natural and cultural resources in the Town, and to facilitate the creation of quality and affordable residential building sites and enjoyable preserved open space. This Article has been carefully designed in recognition of the need to protect Woodstock's significant environmental resources as part of the land development process. Further purposes are to:

- (1) Conserve open land, including those areas containing unique and sensitive natural features such as but not limited to critical and rare habitats, forest core areas, steep slopes, surface water and stream riparian areas, floodplains, wetlands and other resources identified in the Town of Woodstock's Comprehensive Plan, the Town Habitat Study, and the Town's Natural Resources Inventory by setting them aside from development.
- (2) Provide greater design flexibility and efficiency in the siting of structures, and public utility services, and infrastructure, including the opportunity to reduce length of roads and the amount of paving required.
- (3) Improving housing opportunities for all by providing for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups.
- (4) Create residential opportunities with direct visual or physical access to preserved lands as is historically consistent with the rural character of Woodstock.

§ 202-38 Optional Applicability of Conservation Subdivision and Average Lot Size to Minor Subdivisions.

A minor subdivision application may request use of conservation subdivision design simultaneously with, or subsequent to, presentation of an approvable, conventional subdivision plat with site information required by the Planning Board depending on the terrain and the magnitude of development. A minor subdivision may also be designed using an average lot size pursuant to Zoning Law § 260-26.

§ 202-39 Mandatory Conservation Subdivision for Major Subdivisions.

- A. All major subdivisions in all zoning districts shall be designed pursuant to this Article, and Town Zoning Law Section 260-91.
- B. The conservation subdivision shall result in 50% of the parcel being permanently preserved open space. The built portion of the parcel may be designed to have structures in a clustered pattern of buildings, or in a more widespread pattern where house sites are strategically located to meet the purposes of this Article and the Town Zoning Law.
- C. However, where a conservation subdivision is proposed in the R1.5, HR, HC, and NC zoning districts, the lots shall be laid out so that the new structures are sited as a traditional neighborhood pursuant to Section 202-42 (A) (2) in order to promote traditional development patterns in those locations. The 50% open space shall still be required.

§ 202-40 Conservation Subdivision Sketch plat.

A. In addition to the preapplication requirements of these regulations (Article V, Section 202-13 and 14 of this Law), and sketch plat application requirements (Section 202-15), 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 conservation subdivision. The sketch plat for a conservation subdivision shall contain:

- (1) The subdivision name or title, if any; the scale, which shall be no less than one (1) inch equals one hundred (100) feet.
- (2) North direction, which shall be oriented toward the top of the plan.
- (3) The plan date.
- (4) The label "Concept Plan."
- (5) The subdivision boundaries and the owners of all contiguous properties.
- (6) The zoning district in which the subdivision is located, including designation of any overlay district.
- (7) Identification of any critical environmental area as may exist.
- (8) The tax map number(s) of the property to be subdivided.
- (9) The total acreage of the subdivision, the proposed number and locations of lots, and locations of building envelopes pursuant to §202-42 (A) (1) (b).
- (10) All existing streets, either mapped or built, adjacent to the tract.
- (11) All existing restrictions on the use of land, including easements, rights-of-way, and covenants, if any, including copies of the recorded documents which put them into place.
- (12) All existing structures, general location of agricultural fields and wooded areas, wetlands and watercourses and their required buffers, and other significant physical and natural features of the parcel within the parcel to be subdivided and for two hundred (200) feet beyond the parcel boundaries on all sides. The Town of Woodstock Comprehensive Plan, Natural Resource Inventory, and Ulster County Open Space Plan or County or local GIS data may be used to identify these features.
- (13) If applicable, setbacks, if any, required by the Zoning Law shall be plotted and labeled on the subdivision plat map. All setbacks from watercourses, wetlands, and floodplains as required by the Town of Woodstock Flood Damage Prevention Law, or Town, County, State or Federal laws should also be plotted and labeled on the subdivision plat map.

§ 202-41 Conservation Subdivision Site Analysis.

The following site analysis shall be submitted by the applicant pursuant to this Article in addition to the other pertinent requirements of these regulations. A site analysis shall include an identification of both primary and secondary conservation lands within a parcel(s) as defined in Article IV. The site analysis shall include a Site Analysis Map that includes the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from local, County, State or Federal governmental agencies, or from aerial photographs.

The applicant may obtain advice and assistance from an accredited land trust, environmental organization, or professional ecologist when preparing the site analysis, including the Town of Woodstock Environmental Commission. 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:

- (1) Areas where the slope exceeds twenty-five percent (25%).
- (2) Surface waters, wetlands, streams and watercourses and their buffers, areas of hydrological sensitivity including, but not limited to, aquifer and aquifer recharge areas, municipal water supply recharge areas, floodplain areas as shown on Federal Emergency Management Agency (FEMA) maps, lakes, and streams, if any. The Site Analysis Map shall identify whether any Town of Woodstock regulated wetland, critical environmental area, or overlay district extends into the parcel. All of the wetland and watercourse buffer area requirements of Zoning Law § 260-34 shall be met.
- (3) Agricultural lands including farmland within, and adjacent to, a New York State certified Agricultural District, and soils on the subdivision plat classified as being prime farmland or soils of statewide significance, if any.
- (4) Sites property to be subdivided where community sewer, community water, or community water and sewer are available or planned, if any.
- (5) Lands within, or contiguous to, a Critical Environmental Area designated by the Town of Woodstock pursuant to Article 8 of the New York State Environmental Conservation Law, if any.
- (6) Lands contiguous to publicly owned or designated open space areas, or privately preserved open spaces, if any.
- (7) Historic structures or areas of national, state or local importance, if any, on the land to be subdivided or within 200 feet of the parcel and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places or on the Town of Woodstock Historic Structure Register.
- (8) Sites in, or bordering on, known scenic locations identified in the Town's Comprehensive Plan, or Natural Resources Inventory and whether the site is within the Town's Scenic

Overlay or other overlay zoning district.

- (9) Areas with significant habitats, or habitats of endangered, threatened or special concern species, or unique natural or geological formations, if any. The Planning Board may require a site specific assessment. If required that, that assessment shall include: (a) a description of the biodiversity assessment methods used; (b) site-specific habitat descriptions; (c) a discussion of biodiversity implications; and if necessary, (d) subdivision design alternatives to minimize disturbance to sensitive habitats and species inventoried.
- (10) 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. The site analysis map should also depict and label the actual lines of existing trees and woodlands.
- (11) Significant recreational areas, or sites designated as such in the Town's Comprehensive Plan and Natural Resource Inventory as recreational areas, if any.
- (12) 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.
- (13) Location of all existing streets, roads, buildings, utilities and other man-made improvements.
- (14) All easements or rights-of-way and other similar rights of use affecting the property which have been recorded in the Ulster County Clerk's Office.
- (15) Identification of all zoning districts in which the property is located, including all established overlay zoning districts.

§ 202-42 Protection of Open Space.

A. Lot Layout and Design.

- (1) All preliminary plans for a conservation subdivision shall implement and include documentation of the following four-step design process in determining the proposed layout of the conserved lands, house sites, roads, and lot lines as follows:
 - (a) Step 1. Delineate Open Space Areas. Proposed open space areas shall be designated as follows:
 - [1] Primary Conservation Areas shall be delineated and designated on a map.
 - [2] Secondary Conservation Areas shall be delineated and designated on a map. In delineating Secondary Conservation Areas, the applicant shall consult with the Planning Board and utilize its input. After that consultation, the applicant shall prioritize natural and cultural resources on the parcel on a scale of most suitable to least suitable for inclusion in the proposed open space to be conserved. Secondary Conservation Areas shall be delineated on the basis of 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 on the map, as well as the types of resources included within them. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the parcel.
 - [3] 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.
 - (b) Step 2. Specify Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should 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.
 - (c) 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 these regulations and the Town 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 be designed to avoid new cul-de-sacs being developed and maintained, and to facilitate access to and from homes in different parts of the plat 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 Woodstock Highway Law shall be met.

- (d) 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.
- (2) Alternate Design Process for proposed subdivisions of land in the Town's R1.5, HR, HC, and NC zoning districts.
- (a) Where a conservation subdivision is required and the land proposed to be subdivided is located in the R1.5, HR, HC, and NC zoning districts, the following shall apply:
 - [1] The lots and new residences shall be designed and laid out as a traditional neighborhood development (as defined in these regulations at § 202-12) to promote and encourage more traditional development patterns historically seen in hamlets.
 - [2] The conservation subdivision process shall be a variation on the four-step process outlined in these regulations at Section 202-42(A)(1). The first step is to identify open space lands, including both Primary and Secondary Conservation Areas. However, in traditional neighborhood development design, where a traditional streetscape is of greater importance, steps 2 and 3 are reversed, so that streets and squares are located before house sites established on the plat.
 - [3] Traditional neighborhood development designs shall emulate existing hamlets in Woodstock and shall have reduced lot sizes, have narrow front setbacks, narrow streets, sidewalks and other pedestrian amenities, buildings oriented to the street, walkable street pattern, village-style roadway design and have a clear demarcation between built and unbuilt lands at the edge of the neighborhood.

B. Site Design Criteria.

- (1) Excepting the alternate design set forth in § 202-42 (A) (2) above, residential structures in a major subdivision to be located in the R3, R5, and R8 zoning districts should be sited according to the following guidelines, which are listed in their order of significance, the first being the most important. 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 lots, house sites, roads and other infrastructure in a proposed conservation subdivision shall avoid or minimize adverse impacts to the environment, plants, wildlife, and natural resources. New housing should be sited to reduce visibility from the road and from adjacent properties while also preserving scenic views from the road. Residential structures should be sited on the plat as follows:

- (a) On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for potential agricultural use and away from the boundaries of any agricultural operation to reduce conflicting uses.
- (b) So that the boundaries between new house sites and adjacent lots are well buffered by vegetation, topography, roads or other barriers.
- (c) 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.
- (d) To avoid disturbance to streams and drainage swales, floodplains, vernal pools, wetlands, and their buffers. Existing native vegetation shall be maintained to create a buffer within one hundred feet (100') of wetlands and surface waters, including creeks, streams, vernal pools, springs and ponds. All requirements of Zoning Law § 260-34 (Wetlands and Watercourse Protection Standards) shall also be met.
- (e) To minimize all grading and earthmoving on slopes greater than fifteen percent (15%). Such grading shall not result in cuts-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.
- (f) To be as visually inconspicuous as practicable when seen from state, county and local roads. The layout shall leave scenic views and vistas as seen from public thoroughfares unblocked or uninterrupted. The conservation subdivision shall preserve woodlands along roadways and property lines. Features which are visible from the roads including, but not limited to swales, stone fences, and hedgerows should be maintained as part of the landscape to serve as buffers with adjacent properties. Whenever vegetation is left undisturbed, ground, shrub, understory and canopy vegetation shall all be preserved to the maximum extent feasible. Where scenic views or vistas exist from a public road, the Planning Board shall require that an open buffer of low vegetation such as grasses and native perennials be established and maintained to preserve views or vistas from the road. When this buffer is required, it shall be between the road and new structures along that portion of road where those views or vistas are prominent or locally significant.
- (g) To minimize adversely impacting views of and from house sites on abutting properties, house sites shall be designed as follows:
 - [1] To minimize views of the subdivision from adjacent house lots by the use of changes in topography, existing vegetation, or additional landscaping to serve as screens and buffers.
 - [2] To minimize placement of structures or landscaping in a location on the parcel

that would block long-distance, scenic views from adjacent house lots. The layout shall leave scenic views and vistas unblocked and uninterrupted to the maximum extent feasible.

- (h) To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads, house lots shall be accessed from interior streets, rather than from existing roads bordering the parcel. New intersections with existing public roads shall be minimized. Two (2) access ways into and out of a subdivision. For public safety purposes, major subdivision containing twenty (20) or more dwellings shall have two (2) separate connections to the public road for access into and out of the subdivision. However, ~~the Planning Board may allow for more than two (2) connections to public roads may be allowed by the Planning Board, provided such entrances will not unnecessarily disrupt traffic flow or unduly~~ adversely impact the environment.
- (i) On suitable soils for subsurface sewage disposal (where applicable).
- (j) At the edge of open fields adjacent to any woodland ~~or a woodland~~ to enable new residential development to be visually absorbed by the natural landscape and to limit fragmentation of habitats.
- (k) To preserve sites of historic, archeological or cultural value to safeguard the character of the feature.
- (l) To protect important habitat links and connections, biodiversity, and the wildlife habitat areas of species listed as being endangered, threatened, or of special concern by either the United States Department of the Interior, the New York State Department of Environmental Conservation, or by the Town of Woodstock as identified by the Town of Woodstock Natural Resource Inventory.

(2) Open space standards:

- (a) The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed conservation subdivision design shall strictly minimize disturbance to these environmentally sensitive areas. The lot layout shall show how those sensitive areas will be protected by the proposed subdivision plan.
- (b) 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, streams and stream corridors, vernal pools, and their associated upland habitats.
- (c) Active agricultural land ~~with farm buildings~~ may be used to meet the minimum

required open space land.

- (d) To the maximum extent practicable, open space land shall be contiguous to other open space lands to avoid fragmentation of core forested areas or other habitats. Building envelopes, subdivision infrastructure, and roads should not fragment core areas of the preserved open space.
- (e) Open space lands may be designated as a separate, conservation lot owned by one entity, a separate conservation lot owned in common, or it may be designated over several lots provided that such house lots are greater than five (5) acres each. ~~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. Any house lot less than five (5) acres does not qualify as contributing to open space.~~
- (f) 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.
- (g) A portion of the required open space may be used for community septic systems provided no sensitive environmental features are disturbed.
- (h) Stormwater management ponds or basins and lands within the rights-of-way for underground utilities may not be included as part of the minimum required open space.
- (i) 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 subdivision residents shall not be counted towards the open space requirements but shall be counted towards any recreation land requirement that may be required by the Town of Woodstock.
- (j) Open space shall be directly accessible or viewable from as many home sites as possible.

(3) Streets, driveways and trails

- (a) Lots in the proposed subdivision may be accessed by common driveway or private road. Access via a private road or a common driveway may require an applicant to comply with New York State General Business Law [GBL] § 352-e, also known as the "New York Real Estate Syndication Act."
- (b) A pedestrian circulation and/or trail system shall be sufficient for the needs of residents, unless waived by the Planning Board.
- (c) New streets shall meet the Town of Woodstock Highway Specifications., as applicable. Where appropriate, the Planning Board shall work with the Highway Department to ensure that new roads do not impact or detract from the rural

character and environment of a conservation subdivision.

- (d) Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
 - (e) Use of reverse curves should be considered for local access streets in a conservation subdivision 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, with buildings on one side and designated open space on the other, is encouraged alongside conservation areas to provide views of the conservation lands for residents.
 - (f) Bike paths and other non-motorized pedestrian trails shall be provided for within the subdivision and linked to existing trail or path systems as they may exist.
- (4) 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, the ownership and maintenance responsibilities for those systems are clearly defined in agreements submitted for approval as part of the subdivision application, and the system itself does not interject a mound system that creates an inconsistent landscape feature. Applications shall be approved that provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all wastewater treatment 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 and/or formation of a sewage works corporation under the provisions of Article 10 of the New York State Transportation Corporation Law.

C. Open Space Protections and Maintenance. All required open space shall be depicted and labeled on the subdivision plat as being protected open space and stating that it is restricted from further subdivision. Restriction on further subdivision shall be accomplished through one of the qualified management structures specified in § 202-42(C)(3) of these regulations. The applicant shall propose a qualified management structure as part of its application for consideration by the Planning Board. The Planning Board shall approve the form and content of the method of long-term conservation and management of the subdivision open space prior to final subdivision approval. Input from a qualified land trust interested in being a conservation easement holder shall be sought by the Planning Board and applicant as early in the process as possible to identify long-term stewardship mechanisms to be incorporated.

- (1) Long term maintenance of the preserved open space depends on the configuration of such open space and method used for permanent preservation.
- (2) Regardless of which method of protecting the required or designated open space is

selected, the method used shall be included on the final plat, made a condition of the final plat approval, and a reference to the restriction or easement shall be included on all deeds issued by the subdivider to third parties acquiring title to lots in the subdivision.

(3) One of the following is required to permanently protect the designated open space:

(a) A permanent conservation easement, in a form acceptable to the Town and recorded in the County Clerk's Office. Due to the stewardship and enforcement responsibilities carried out by easement grantees, this is the preferred method of ensuring permanent conservation and protection. A conservation easement will be acceptable if:

[1] The conservation organization proposed to be the easement holder 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.

[2] The conveyance contains appropriate provisions for proper reverting or re-transfer in the event that the conservation organization becomes unwilling or unable to continue carrying out its functions.

[3] A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to ensure perpetual maintenance of the open space. The Town's expectation is that landscape features and habitats existing at the time of approval shall be maintained, including but not limited to periodic mowing of open meadows to maintain such habitat. Where open space to be preserved is forested, clear-cutting to remove forest cover shall be prohibited.

[4] The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, detail the maintenance needs and expectations, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

(b) A declaration of covenants and deed restrictions, in a form acceptable to the Town, and recorded in the Ulster County Clerk's Office. The restriction shall describe the size of the parent parcel being subdivided; the total number of lots and the total number of dwelling units approved; specification of which lot or lots carry with them the right to erect or place any unused allocation of dwelling units the parent parcel may have; and which lands shall be preserved as open spaces and upon which no further allocation of dwelling units shall be made. The declaration of covenants and restrictions shall permanently restrict the open space from future subdivision, prohibit any further development of the open space, and shall define the other property rights extinguished by the instrument.

(c) All covenants and deed restriction(s) shall be noted on all approved, filed plats. The Planning Board shall reference the deed and its open space protections in any approval or

conditional approval of the subdivision. Approval or conditional approval shall include Town expectations for long term maintenance of the required open space.

D. Ownership of Conserved Lands:

- (1) Open space land may be held in any form of ownership that protects its conservation values, such as by an individual, a land trust or other qualified environmental organization, or where the open space is owned in common by a homeowner's association (HOA).
- (2) 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 written proof that the party to take title to the conserved lands agrees to accept the both title to the land and the affirmative responsibilities of stewardship.
- (3) 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 (Homeowners Association). All residents of the HOA shall have access to such open space lands.
 - (a) Alternatively, such open space may 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. All other house sites shall be sited in a manner that allows views of the open space from each to the maximum extent allowable.
 - (b) If the open space is to be owned by a homeowner's association (HOA), the establishment of the HOA must be approved by the New York State Attorney General and 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. The applicant shall also provide to the Planning Board copies of written governance documents of the HOA which set forth the HOA's obligation to comply with the Declaration of Covenants and Restrictions.
 - (c) The HOA must be responsible for liability insurance, local real estate taxes on property owned by the HOA, and for the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. Before issuing final subdivision approval, the Planning Board shall find that the HOA documents satisfy the conditions above.

- (d) The homeowner's association (HOA) shall be incorporated and in operation before any of the lots in the subdivision are sold or conveyed. 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 Attorney General's Office, if required.
- (e) In the event that the NYS Attorney General's Office grants an exemption from the requirement of the formation of an HOA and an offering plan, the applicant shall have in place a Declaration of Covenants and Restrictions (Declaration) or other maintenance agreement acceptable to both the State Attorney General and the Town that ensures perpetual care and maintenance of the conserved open space. That Declaration or maintenance agreement shall comply in all respects with the applicable provisions of this Article IX of these regulations.
- (f) Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.
- (g) The association shall have adequate resources to administer, maintain, and operate such common facilities.

E. Maintenance standards

- (1) The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space such as, but not limited to trails and pathways.
- (2) Failure to maintain any improvements located on the undivided open space and keep them in reasonable operating condition is a violation of the conditions of the Planning Board's approval of the subdivision and of these subdivision regulations. Enforcement against violations shall be available and in accordance with Part 1 of these regulations (§§ 202-1 – 202-7).
- (3) 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.

F. Future subdivisions. When an applicant includes only a portion of landowner's entire parcel in the subdivision application, a sketch layout complying with the requirements of these regulations, and this Article in particular, shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner and allocation of remaining density to ensure that future subdivision may occur in accordance with this Article and to allow the Planning Board to adequately assess whether improper segmentation under the State Environmental Quality Review Act is taking place. Subdivision and review of the sketch plat

of those locations at this stage shall not constitute approval of the future subdivision shown thereon, nor shall it commence any time periods associated with subdivision approval that could result in default approval.

Article X Waivers, Modification and Review

§ 202-43 Waiver of specific improvements.

The Planning Board may waive upon specific request and by specific resolution, subject to appropriate conditions and guarantees, for such period as it may determine, the requirements of these regulations relative to the provision and design of any or all required improvements which in its judgment of the special circumstances of a particular plat or plats are not requisite to the interests of the public health, safety and general welfare of the Town, or are not appropriate because of the inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision.

§ 202-44 Modification of specific requirements.

Where the Planning Board finds that compliance with these regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of these regulations may be modified upon specific request and by specific resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these and other Town regulations.

§ 202-45 Review of Planning Board decisions.

Any officer, department, board or bureau of the Town, with the specific approval of the Town Board, or any person or persons jointly or severally aggrieved by any decision of the Planning Board concerning a plat decision may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the office of the Town Clerk. Commencement of such proceeding shall stay all further proceedings upon the decision appealed from.

Article XI Authority to Sign Subdivision Plats

§ 202-46 Chairman of Planning Board.

The appropriate officer authorized to sign approved subdivision plats is the Chairman of the Planning Board or in his or her absence the Acting Chairman.

Article XII Changes to Approved Plats

§ 202-47 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 in writing any such

modifications. In the event that any subdivision plat is recorded in the office of the Ulster County Clerk without complying with these requirements, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the office of the Ulster County Clerk.

Article XIII Amendments

§ 202-48 Procedure.

These Subdivision Regulations may be amended and adopted by the Planning Board in the form of a recommendation to the Town Board to enact a local law adopting the recommendation of the Planning Board. The local law shall be adopted pursuant to the procedures set forth in the Municipal Home Rule Law of the State of New York, which provides for public hearing prior to the Town Board's adoption, all pursuant to Town Law § 271, Subdivision 13.

§ 202-49 Applicability.

Amendments adopted by the Planning Board as recommendation to the Town Board shall take effect on the date the Town Board files the local law with the Secretary of State pursuant to the Municipal Home Rule Law provisions for adoption of a local law. Such amendments shall apply to any preliminary subdivision which has not received approval, or approval with modification, prior to such date of filing with the Secretary of State, and to any preliminary subdivision, approved with or without modification, for which a formal application for final approval is not received within six months of the date of such approval.

Article XIV Construal of Provisions

§ 202-50 Interpretation.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements established by the Planning Board of the Town of Woodstock for the subdivision of land and the provision of required improvements within the Town. Should the requirements of these regulations conflict with or otherwise be inconsistent with any provision or requirement of any other lawfully adopted rules, regulations, ordinances or laws, the more stringent provisions, or those imposing the higher standards, shall govern. Where these regulations differ with any provision or requirement of any other lawfully adopted rules, regulations, ordinances or laws, those differences are intentional pursuant to the Municipal Home Rule Law.

Attachments:

[202a Addendum A](#)

[202b Addendum B](#)

[202c Addendum C](#)

[202d Addendum D](#)