

## ***Local Law Filing***

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### **Town of Olive Local Law No. 1 of 2024**

**A Local Law Repealing and Replacing the Town of Olive Subdivision of Land Regulations Chapter 133 and replacing it with a new Town of Olive Subdivision of Land Regulations, Chapter 133.**

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

#### **I. Title**

This Local Law shall be known as the “A Local Law Repealing and Replacing the Town of Olive Subdivision of Land Regulations Chapter 133 and Replacing it With an Updated Subdivision of Land Regulations Chapter 133.” This law may be known as the “Updated Subdivision of Land Regulations.”

#### **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, Background and Findings**

In its ongoing efforts to ensure that land use regulations in the Town of Olive are consistent with the values and goals of the Town to protect the environment, its rural community character, and quality of life for its residents, and further the general health, safety and welfare of its population, the purpose of this Local Law is to rescind all previous versions of the Town’s Subdivision of Land Regulations (Chapter 133) and replace it with a new, updated version that more closely meets the needs of the community.

The Town Board has charged the Planning Board with reviewing and updating the subdivision Law to ensure consistency with the environment and community character goals, to address and improve definitions and sections needing clarification, to update subdivision review and approval procedures to be consistent with New York State Town Laws, and to create land use regulations and development standards for residential uses that are consistent with the environment. Upon completion of their review, and with assistance from a consultant, the Planning Board submitted such recommendations to update the Subdivision of Land Regulations (Chapter 133) for consideration by the Town Board. In agreement and recognition that the proposed Subdivision Law updates are numerous, with multiple sections updated, many new definitions added, procedures updated, and a new section on Conservation Subdivisions added, the Town Board has determined that it is in the best interest of the health, safety and general welfare of the town to repeal all previous and current ver-

sions of Chapter 133 and replace it with a full, new version of the Subdivision of Land Regulations (to remain named as Chapter 133), contained in this Local Law.

**IV. Repeal and Replacement**

By this Local Law, the Town of Olive Town Board hereby repeals the Town's prior regulations for the Subdivision of Land, Chapter 133 of the Town of Olive Town Code, and replaces it with the regulations set forth in this Local Law. This shall take place at the moment this Local Law becomes effective. All previous versions of Subdivision of Land Chapter 133 are hereby repealed and replaced in their entirety, with the updated Subdivision Law as provided for in this Local Law as follows:

**Town of Olive Subdivision Of Land Regulations**

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# Chapter 133

## Subdivision of Land

**[HISTORY: Adopted by the Town Board of the Town of Olive at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

### GENERAL REFERENCES

Environmental quality review — See Ch. **89**.

Flood damage prevention — See Ch. **97**.

Streets and sidewalks — See Ch. **129**.

Zoning — See Ch. **155**.

Open Development District review procedure — See Ch. **A159**.

Standard road requirements — See Ch. **A160**.

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### Article I

#### General Provisions

##### § 133-1 Authority and Title.

- A. Title. This Local Law shall be known as “A Local Law enacting new regulations for the Subdivision of Land in the Town of Olive” and shall be adopted as Local Law No. \_\_\_\_\_ of 2024, and this law shall be Chapter 133 of the Town of Olive Town Code. Chapter 133 of the Town Code shall be known as the “Town of Olive Subdivision Regulations.”
- B. Authority. These regulations for the subdivision of land in the Town of Olive are enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, by Article 2 of the New York State Statute of Local Governments, and by Article 16, Chapter 62, of the Consolidated Laws of the State of New York known as the New York State Town Law. Pursuant to the aforementioned authority, the Planning Board is hereby authorized and empowered to approve plats showing lots, blocks or sites with or without roads or highways and to approve preliminary plats within that part of the Town of Olive outside the limits of any incorporated city or village.

##### § 133-2 Policy and Purposes.

It is declared to be the policy of the Town of Olive to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. It is further declared to be the policy of the Town to ensure that new development is consistent with the Town of Olive

Comprehensive Plan, as that plan may exist or be amended from time to time, and the Town of Olive Zoning Law. Further objectives of these Subdivision Regulations are to:

- A. Preserve the rural character of Olive which is described as a rural residential community having working landscapes, natural beauty and natural resources defined by its Catskill Mountain setting, Ashokan Reservoir and Esopus Creek, open spaces, dark skies, and hamlet centers.
- B. Promote land conservation and development that minimizes disruption to the natural environment, open space, and to mitigate adverse impacts to environmental resources.
- C. Ensure that all proposed subdivisions be consistent with the aesthetics and visual character of the Town.
- D. Provide adequate drainage, storm water management, water supply, waste water disposal and other needed improvements and utilities.
- E. Ensure that any proposed roads shall be properly related to the Comprehensive Plan if such exists shall comply with the town highway specifications, shall compose a convenient transportation system conforming to the Official Map, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection, to provide access of fire-fighting equipment and other emergency vehicles to buildings, and to have a streetscape consistent with the rural character of the Town.

**§ 133-3 Conflict with other provisions.**

Should any of these regulations conflict or be inconsistent with any provision of the Town Law and town highway specifications, such provisions of the Town Law and town highway specifications shall apply.

**§ 133-4 Waivers.**

The Planning Board may waive the provision of any or all such improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision or would cause unusual hardship, provided the public interest is protected and the development is in keeping with the general spirit and intent of these regulations, the Official Map, Chapter **155**, Zoning, and the Town Comprehensive Plan, if such exist. An aggrieved party or abutting property owner has the right to appeal the waiver to the Zoning Board of Appeals.

**§ 133-5 Entirely or partially undeveloped subdivisions.**

Where a subdivision plat filed in the office of the County Clerk is entirely or partially undeveloped, the Planning Board may require those portions which are entirely or partially undeveloped to be replatted and improved to the standards and requirements of these subdivision regulations and in accordance with § 265-a of the Town Law.

**§ 133-6 Resubdivision.**

For a resubdivision, the same procedure, rules and regulations shall apply as are applied for a subdivision.

**§ 133-6.1 Retention of professional consultants.**

In the event the Planning Board deems it necessary, it may engage professional consultants to aid the Planning Board in reviewing subdivision applications, conducting environmental reviews, understanding applicable laws and regulations, and arriving at decisions concerning any particular subdivision. The Planning Board shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of application review. The fee(s) incurred by the Planning Board's professional consultant(s) shall be paid by the subdivider whose subdivision is being reviewed by the professional consultant and shall be deposited as an escrow account with the Town of Olive. A deposit of funds in an amount equal to fifty percent (50%) of the total project estimated consultant fee(s) is required from the subdivider or his agents prior to initiation of the review by the Planning Board. The escrow funding may be required to be replenished from time to time. All invoices associated with services related to the project shall be paid by the Town through the escrow account. The subdivider shall be entitled to, upon request, and accounting of the escrow funds. If funding in the escrow is depleted before the Planning Board has issued a decision a subdivision application, no work by the consultants, nor any review by the Planning Board, shall continue until the escrow is replenished to an amount required by the Planning Board. At the conclusion of the project, any unexpended funds within the escrow account shall be returned to the subdivider.

## Article II Definitions

### § 133-7 **Definitions.**

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

#### **ACCEPTABLE SECURITIES**

Bond, certified check, pass book with signed withdrawal slip payable to the Town of Olive.

#### **AGRICULTURAL DISTRICT 3 and 4**

That portion of the Town of Olive that is included in the New York State Certified Agricultural District established as per New York State Agriculture and Markets Law § 25-aa.

#### **BUFFER AREA**

An undeveloped part of a property or an entire property specifically intended to separate, and thus minimize, the effects of a land use activity (e.g., noise, dust, visibility, glare, erosion, etc.) on adjacent properties. Natural vegetative covers existing within the buffer area shall be encouraged to be preserved as part of that buffer to the maximum extent practicable.

#### **BUILDING ENVELOPE**

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

#### **BUILT FEATURES**

The features in a community created by humans, for humans, and to be used for human activity.

#### **CHARACTER**

Describes the built and unbuilt, tangible and intangible features and qualities of Olive as follows: "Olive is a rural residential community balanced with working landscapes. A place of bucolic beauty and tranquility, Olive is defined by its mountainous Catskills setting along the majestic Ashokan Reservoir, its trails and woods, and its bountiful and pristine open spaces. Olive is a place where the air is crisp and the night sky is dark and laden with stars, where ridgelines retain their natural wooded state, and where sweeping scenic vistas can be found at every turn. We envision for Olive a future where the unique identity of its many hamlets forms a greater collective sense of place through expanded seasonal events and programs. We envision a future that preserves Olive's rural character while planning proactively for the future, ensuring that Olive remains a place where small businesses can operate and thrive through strategic economic development initiatives, where young families and working people can find affordable housing and choose Olive to start out in life, and where seniors can age in place. We envision an Olive that is sustainable and resilient, where the Ashokan Reservoir and Esopus remain cherished natural resources and not threats. We envision Route 28 and 28A as a commercially vibrant and scenic thread which connects our many hamlets. Finally, we envision for Olive a transparent and responsive local government. In Olive, residents can pursue lives of rural tranquility amidst the unspoiled beauty of the Catskills while enjoying the deep ties of community to their

Town and to their neighbors.”

### **COLLECTOR ROAD**

A road which serves, or is designed to connect, minor roads to the major road system.

### **COMPLETE APPLICATION**

For the purposes of the Planning Board commencing its review of an application for subdivision approval, a “complete application” is an application to the Planning Board for subdivision approval that includes all required documents and submittals pursuant to this law.

For the purposes of an environmental review pursuant to Part 617 of the State Environmental Quality Review Act(SEQR), a “complete application is one where an application has been received and where the Planning Board, as SEQR lead agency, has either issued a negative declaration or has accepted as complete a draft environmental impact statement (DEIS) .

### **COMPREHENSIVE PLAN**

A plan, adopted by the Town Board pursuant to § 272-a of the New York State Town Law, which is the culmination of a planning process that establishes the official land use policy of a community and presents goals and a vision for the future that guides official decision making. The comprehensive plan may include a thorough analysis of current data showing land development trends and issues, community resources, and public needs for transportation, recreation, infrastructure, land use, open space, environmental protection and other topics important locally.

### **CONSERVATION SUBDIVISION**

A residential subdivision where the same number of dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be placed on the parcel in a flexible layout, where lot sizes, road frontages, setbacks, and other bulk dimensions are allowed to be relaxed in order to achieve the goal of having at least fifty percent (50%) of the land in the subdivision left undeveloped and in its natural, undisturbed, and open space condition in perpetuity. Conservation subdivision development results in flexible design options to promote the most appropriate use of land, to facilitate the efficient and economical provisions of roads and utilities without overbuilding, and to preserve the natural and scenic qualities of open lands.

### **CORE FOREST**

Interior forest areas that are surrounded by a buffer at least a 100-meters wide (328 feet) comprised of edge forest habitat mapped by the New York State Department of Environmental Conservation and the New York State Natural Heritage Program. Core forests that are at least five hundred (500) acres in size are more likely to support species requiring interior forest conditions.

### **DEAD-END ROAD**

A road which has only one inlet or outlet, is not a through road, and/or ends in a “T” or “L” or a cul-de-sac.

## **DRIVEWAY**

An accessway located on a private parcel traversable by vehicles that provides the parcel owner or occupant access to and from a State, County, Town road, or private road ( as defined herein) A driveway may be built according to Town, County or State driveway specifications, and provides a place where it is possible for parcel owners or occupants to park vehicles completely off the road.

## **EASEMENT**

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

## **FINAL PLAT**

The final drawing or drawings of the subdivision submitted to the Planning Board which, if approved, may be duly filed in the office of the County Clerk.

## **HOMEOWNER'S ASSOCIATION**

A homeowner's association is an organization created by a real estate developer to develop and manage a community of homes, town homes, or condominium units. It has the authority to enforce the covenants, conditions, and restrictions, as well as manage the common elements of the development. Homeowners' associations are defined and regulated in New York State by the Office of the New York State Attorney General.

## **LINKAGE FOREST**

Forested areas that link larger forest patches, and are thus important for maintaining ecosystem health, ecological connections, and travel corridors and mapped by New York State Department of Environmental Conservation and the New York State Natural Heritage Program.

## **LOT LINE ADJUSTMENT**

A lot line adjustment involves changing the boundary lines between two or more adjacent lots without creating new lots so as to relocate the common boundary or redistribute the land area among the affected lots. For the purposes of these Subdivision Regulations, a lot line adjustment is treated as a form of a minor subdivision.

## **LOOK-BACK PERIOD**

A lookback period in subdivision refers to a five-year timeframe where the Planning Board reviews past subdivision actions through the current subdivision proposal. .

## **MAJOR ROAD**

A road which serves or is designed to be used primarily to distribute traffic in and out of an area for higher volumes of vehicular traffic, higher speed limits, wider lanes or with multiple lanes, and with direct access to properties from existing State and County highways.

**MAJOR SUBDIVISION**

Any subdivision not classified as a minor subdivision including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new road or any extension of municipal facilities. In addition, when there have been prior subdivisions of a parcel of land within any five (5) year look-back period, any additional subdivision affecting that parcel, which would result in the creation a total five (5) or more lots during that period, shall result in the classification of that subdivision as a major subdivision.

**MATRIX FOREST**

Large contiguous forested areas whose large size and intact condition allow for the support of ecological processes and viable large-forest communities of plants and animals that cannot necessarily persist in smaller or poorer-quality forests mapped by the New York State Department of Environmental Conservation and the New York State Natural Heritage Program.

**MINOR ROAD**

A road intended to primarily provide access to individual homes within a subdivision. These roads handle lower volumes of traffic, primarily residential, have lower speed limits, are narrower than major roads, often with a single lane in each direction, and provide direct access to properties Driveway entrances typically open onto minor roads.

**MINOR SUBDIVISION**

Any subdivision containing not more than four (4) lots fronting on an existing road, not involving any new road, or the extension of municipal facilities,.

**OFFICIAL DATE OF SUBMISSION**

The dates when a sketch plan, preliminary plat, or final plat shall be considered submitted to the Planning Board. Official date of submission is a date fourteen (14) days prior to the regular monthly meeting when sketch plans, preliminary plats and final plats shall be filed with the Chairman or other authorized person of the Planning Board. Where applications or submissions are not submitted by the official date of submission for a particular Planning Board meeting, the Planning Board in its sole discretion may decline to place the matter on the agenda for that Planning Board meeting and instead place it on the agenda for the Planning Board’s next scheduled meeting.

**OFFICIAL MAP**

The map established by the Town Board pursuant to § 270 of the New York State Town Law, showing roads, highways, parks and drainage, both existing and proposed.

**OPEN SPACE**

Land left in a natural state for conservation, agricultural or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. It shall also mean land left in a natural state and that contains passive, non-motorized recreation uses such as hiking and/or bike trails and pathways. The term shall not include land that is: paved; used for the storage, parking or circulation of automobiles; used

for playgrounds; manicured recreational lands such as golf courses, ball fields, lawns; or land occupied by any structure except agricultural buildings.

### **PLANNING BOARD**

The Planning Board of the Town of Olive.

### **PRELIMINARY PLAT**

A drawing or drawings clearly marked "preliminary plat" showing the features of a subdivision submitted to the Planning Board for consideration prior to submission of plat in final form in accordance with § 133-23 of these regulations.

### **PRIMARY CONSERVATION AREA**

The area delineated in a conservation subdivision to include priority resource areas to be conserved including, but not limited to, streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, mountaintops and ridgelines, 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 right-of-way for vehicular traffic. This includes: an avenue, lane, highway, street, or other way which is an existing public way; or a way shown upon a subdivision plat approved by the Town of Olive Planning Board as provided by law, or on a plat duly filed and recorded in the office of the Ulster County Clerk.

### **SECONDARY CONSERVATION AREA**

The area delineated in a conservation subdivision to have secondary resource areas to be conserved including, but not limited to agricultural lands, healthy woodlands holding important ecological functions such as core or matrix forests, soil stabilization and protection of streams, hedgerows, or linkage forests, wildlife habitats and travel corridors, and other landscape features representing the subdivision site's rural past, historic structures or sites, and visually prominent features such as knolls and waterfalls.

### **SEQRA (State Environmental Quality Review Act) Review**

Review of an application pursuant to the provisions of the New York State Environmental Quality Review Act, as authorized by Article 8 of the New York State Environmental Conservation Law), which incorporates the consideration and review of the potential adverse impacts of proposed development including a variety of environmental, social, and economic factors and incorporates the consideration of those impacts into the planning, review and decision-making processes of state, county and local government agencies with the goal of minimizing the potential adverse environmental impacts of new development to the maximum extent practicable.

### **SKETCH PLAN**

A drawing to scale showing the general features of a proposed subdivision in accordance

with § 133-22 of these regulations.

**SPDES General Permit for Construction Activities**

A permit issued by the New York State Department of Environmental Conservation pursuant to the New York State Pollutant Discharge Elimination System (SPDES) to allow the discharge of waste waters into the environment. The SPDES program is designed to eliminate the pollution of New York waters and to maintain the highest quality of water possible, consistent with: public health; public enjoyment of the resource; protection and propagation of fish and wildlife; and industrial development in New York State.

**STEEP SLOPE**

Land areas where the slope exceeds 20 percent.

**STORM DRAIN**

A ditch or pipe or natural valley designed to, or which in fact does, carry off stormwater.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A document that describes the erosion and sediment control practices for construction and where required by the New York State Department of Environmental Conservation (NYS DEC), for post-construction stormwater management practices. It will be used and/or constructed to reduce the pollutants in stormwater discharges and to assure compliance with the terms and conditions of the most current NYS DEC Permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in the most current NYS DEC Permit and where applicable, the post-construction stormwater management practice requirements in the most current NYS DEC Permit.

**SUBDIVIDER**

Any person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others. A subdivider is also referred at times as the “Applicant.”

**SUBDIVISION**

The division of any parcel of land into two or more lots, blocks, or sites, with or without roads or highways, and includes resubdivision.

**TOWN BOARD**

The Town Board of the Town of Olive.

**TOWN ENGINEER**

A duly designated licensed engineer of the Town on a permanent or consulting basis.

**UNBUILT FEATURES**

Landscapes and locations that are not built upon by humans.

## **YIELD PLAN**

Means a plan or plan set that shows the maximum number of conforming building lots that is reasonably achievable under a conventional subdivision following the requirements of the zoning ordinance and subdivision regulations.

## **ZONING LAW**

The law entitled “Zoning Law” that is set forth as Chapter 155 of the Town of Olive Town Code, including any amendments thereto.

### Article III

### **Procedure in Filing Major Subdivision Applications**

#### **§ 133-8 General procedure.**

Whenever any subdivision of land is proposed to be made in the Town of Olive, and before any lots are sold, and before any erection of a structure in such proposed subdivision, the subdivider, or his authorized agent, shall apply for approval of such proposed subdivision in accordance with the following procedure. Whenever a “conservation subdivision” is proposed or required, the same procedure shall be followed. A summary of the major subdivision process is:

- A. Pre-application meeting with Planning Board. This meeting shall be to consider the sketch concept plan prepared by the subdivider. If a conservation subdivision is proposed, the sketch plan shall show: the site analysis conducted; house sites; and primary and secondary conservation areas identified pursuant to the four-step design process set forth in § 133-21a of these Subdivision Regulations.
- B. Submission by the subdivider of a preliminary plat showing proposal in detail.
- C. A public hearing.
- D. Referral to, comment and approval of the proposed subdivision plat by non-Town agencies.
- E. Submission by the subdivider of final plat.
- F. Planning Board decision by resolution either approving or denying final plat approval.
- G. Planning Board signs plat.
- H. Plat is filed in County Clerk's office by subdivider.

#### **§ 133-9 Preapplication meeting.**

Before preparing a detailed proposal, the subdivider should review Chapter 133 of the Town of Olive Town Code and make an appointment at a regular meeting of the Planning Board to familiarize themselves with the requirements of these and other regulations, the policies and plans of the Planning Board, and other information that may be pertinent to the subdivision.

They should also discuss their proposal with the Ulster County Health Department which is responsible for the review and approval of water supply and sewage disposal systems. The subdivider may also need the approval of state, county or town highway agencies, the Ulster County Planning Board, and others. At the pre-application meeting, the Olive Planning Board and subdivider shall also discuss the applicability of a conservation subdivision design. This initial meeting is mandatory and is intended to save the subdivider time and unnecessary expense by allowing for issues, concerns, and design ideas to be discussed early in the process. It is advised that an initial meeting with Town Staff take place to identify potential issues prior to the pre-application meeting with the Planning Board.

**§ 133-10 Sketch plan review.**

- A. At the pre-application meeting, and prior to submitting a preliminary plat, the subdivider shall submit a sketch plan showing a basic proposed layout and other information required in Article IV and V of these regulations. At least seven (7) copies of this sketch plan and one digital copy shall be delivered to the Chairman or other authorized official of the Planning Board at least fourteen (14) days before the next scheduled Board meeting.
- B. At the meeting, the Planning Board may schedule a site visit to be accompanied by the subdivider to ease the inspection of the site. The subdivider shall have the center line of any proposed roads marked by temporary stakes. All boundary corners on the land area covered by the sketch plan shall also be marked with temporary stakes.
- C. At the pre-application meeting, the Planning Board shall determine whether the Sketch Plan meets the purposes of these subdivision regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the subdivider in the next submission to the Planning Board, including whether the Planning Board may require the subdivider to submit a conservation subdivision design pursuant to § 133-21a of these Subdivision Regulations. The Planning Board's review of the sketch plan shall include, but not be limited to, consideration of at least the following:
  1. The location of all areas proposed for land disturbance with respect to natural, cultural, and historic features;
  2. Road connections and road network;
  3. Proposed building density and lot coverage as prescribed by the Town of Olive Zoning Law;
  4. Consistency of the proposed Sketch Plan with all other requirements of the Town of Olive Zoning Law, Subdivision Regulations, and other any other applicable laws.
- D. The Planning Board shall advise the subdivider of any general recommendations on layout, arrangement of lots, or required improvements, taking into consideration the requirements of the Town of Olive Zoning Law and Subdivision Regulations, as well as any other applicable laws. It shall informally advise the subdivider of the extent to which the proposed subdivision conforms to the relevant standards and may suggest possible plan modifications that would increase its degree of conformance. The subdivider shall not be bound by any

sketch plan, nor shall the Planning Board be bound by any such review, however.

- E. After reviewing the sketch plan and site visit the Planning Board will, in writing, tentatively approve the sketch plan, or recommend modifications.

**§ 133-11 Preliminary plat review.**

- A. Procedure. A preliminary plat is then prepared showing in detail how the subdivision is to be designed, details of construction, proposed covenants, and other items required by Article V of the Subdivision Regulations Article V, or in the case of a conservation subdivision, by § 133-21a of the Subdivision Regulations. Applicable parts of New York State Town Law §§ 276 and 277 of the Town Law, attached to these regulations, shall govern procedure. In addition, there shall be an application fee as set from time to time by resolution of the Town Board, which shall be submitted with the preliminary plat, and said fee is not refundable. At least seven (7) copies and one (1) digital version of the preliminary plat shall be delivered to the Planning Board Clerk at least fourteen (14) days prior to the regular meeting date of the Planning Board meeting in order to be on the Board's agenda for that meeting.
- B. Applicant or representative to attend Planning Board meeting. The subdivider shall be prepared to attend a meeting of the Planning Board to discuss the preliminary plat and the Planning Board's tentative conclusions.
- C. The Preliminary Plat shall be deemed to be complete for review when all documents, information, and data required by these regulations and the Town of Olive Zoning Law, have been filed with the Planning Board. A determination by the Planning Board that the application is deemed complete for review shall initiate all subsequent time frames as set forth in these Regulations.
- D. The Planning Board shall comply with the provisions of the New York State Environmental Quality Review Act (SEQRA). All major subdivision applications shall include a completed, signed and dated Part I of the SEQRA Full Environmental Assessment Form (FEAF).
- E. Public Hearing.
  - 1. A public hearing on the preliminary plat shall be held by the Planning Board within sixty-two (62) days from the time the major subdivision application is deemed complete. The period within which the Planning Board shall hold a public hearing on the major subdivision plan shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA and New York State Town Law § 276. Said hearing shall be advertised in the official Town newspaper at least five (5) days before such hearing, or if the hearing is held jointly on an environmental impact statement, the notice shall be for fourteen (14) days. The Planning Board shall also cause a written notice of such application and date of public hearing to be mailed to the owners of land as identified by the applicant in the agricultural data statement, if any. The time periods set forth in this section may be extended only by mutual consent of the owner and the Planning Board.

2. Consistent with the requirements of Section 239-nn of the New York State General Municipal Law, the Planning Board shall give notice to an adjacent municipality when a hearing is held relating to a major subdivision review on property that is within five hundred (500) feet of the adjacent municipality. Such notice shall be sent by mail or via electronic submission to the Town Clerk in the adjacent municipality at least ten days prior to the hearing.

#### F. Approval of the Preliminary Plat

If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision by resolution within sixty-two (62) days after the close of such hearing with or without modification, or the ground for disapproval shall be stated upon the records of the Planning Board.

Pursuant to New York State Town Law 276 (5)(iii), if an environmental impact statement is required, the Planning Board shall make its decision on the preliminary plat within thirty days of the filing of the final environmental impact statement and issuance of findings.

The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications if any, as it deems necessary for submission of the plat in final form.

Within five (5) business days of the approval of such preliminary plat it shall be certified by the Secretary of the Planning Board as granted Preliminary approval and a copy filed in the Secretary's office and a certified copy mailed to the owner.

Within five (5) business days from the date of the adoption of the resolution stating the decision of the Planning Board on the preliminary plat, the duly authorized member of such Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare; and (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat.

#### § 133-12 **Final plat.**

- A. Procedure: Procedure applicable shall be that procedure as set forth in New York State Town Law §§ 276 and 277. If the final plat and necessary materials required by the Planning Board are not submitted within six (6) months after the preliminary plat has been approved, the Planning Board may, by resolution, rule the approval of the preliminary plat void.

- B. Agency review: Where review of subdivision(s) is required by other agencies, such approval(s) shall be indicated on the final plat.
- C. Judicial Review. Any person aggrieved by the decision made by the Planning Board concerning such plat may have the decision reviewed by the New York State Supreme Court in the time and manner provided by Article 78 of the New York State Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Town Clerk.
- D. Within sixty-two (62) days of the submission of a plat in final form for approval, a hearing shall be held by the Planning Board. The hearing shall be advertised at least once in the official Town newspaper at least five (5) days before such hearing, provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 133-11 of this Article, the Planning Board may waive the requirement for such public hearing.
- E. Action on Final Plat

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval, and authorize the signing of such plat, within sixty-two (62) days after the date of such hearing, or if the final hearing is waived by the board, within sixty-two (62) days of the regularly scheduled Planning Board meeting at which the Final Plat is officially submitted. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed shall be deemed approval of the plat. If a draft environmental impact statement (EIS) was required, the Planning Board's action on the Final Plat shall include either a negative declaration or the Final EIS and a statement of findings on the subdivision as required by Article 8 of the New York State Environmental Conservation Law.

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

Prior to obtaining the signature, the subdivider shall provide proof of compliance with Department of Health standards and approval for water and sewage disposal. Additionally, they shall provide proof of compliance with other local, state and federal agency permits and approvals as may be required, provide at least four (4) copies of the Plat and paper copies of the final subdivision plan in such quantity as specified by the Planning Board for the endorsement of the Chairperson, and pay all outstanding escrow, recreation, and inspection fees, if any.

Within five (5) business days of such resolution, the plat shall be certified by the Chair of the Planning Board as conditionally approved and a copy filed in the Clerk's office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a statement of

such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board.

Conditional approval of a final plat shall expire 180 days after the date of the resolution granting final approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

#### F. Filing

The signed, final plat must be filed by the applicant within sixty (60) days in the Office of the County Clerk. A proof of filing must be returned to the Town of Olive Building Inspector with copies to the Planning Board and Tax Assessor.

#### § 133-13 **Required improvements and procedure.**

- A. Improvements or performance bond. Prior to the commencement of any construction activity, a performance bond or other security sufficient to cover the full cost of the installation of infrastructure and improvements, as estimated by the Planning Board or the Town Engineer or consulting engineer, where such estimate is deemed to be acceptable by the Planning Board, may be required to be furnished to the Town by the subdivider. The Planning Board shall include, in its final approvals, details on all such improvements or performance bonds as to be required.
  1. If the infrastructure is to be installed and if all required improvements are not completed within the period specified by the Planning Board approval, plat approval will expire unless the period is extended by resolution of the Planning Board.
- B. As an alternative to the installation of infrastructure and improvements prior to signing of the final subdivision plat, the subdivider may submit a financial guarantee to underwrite the cost of fulfilling the conditions. The Planning Board shall include, in its final approval determination, details of all such financial guarantees that are required. Any such financial guarantee shall be subject to the review and approval of the Planning Board's attorney before the plat may be signed. If the Planning Board agrees, the guaranteed is approved by the Board's attorney, and the guarantee is executed in a sufficient amount to cover such costs, the plat may be signed before the conditions of approval with regard to the installation of required infrastructure and improvements have been met.
- C. In the event that the subdivider is authorized to file the approved Final Plat in sections, installation of the required improvements must be completed according to the section of the plat filed in the office of the Ulster County Clerk before approval of the subsequent section. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the County Clerk and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.

- D. Bond or other acceptable securities. With regard to bonds or other acceptable securities, the provisions New York State Town Law § 277, subsections (9) (c), (9)(d) and (9)(e), shall apply. The Town Board may authorize a cash deposit in lieu of a performance bond.
- E. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, such officer shall refer the project to the Planning Board. The subdivider must file a revised subdivision map and, if applicable, site plan with the Planning Board. The Planning Board, may authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's original approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. Upon approval, the subdivider may need to file a revised subdivision map with the county.
- F. Proper installation of improvements.
  - 1. The subdivider shall pay the Town's costs of inspection before the subdivision plan is signed for filing. Prior to approval, the Planning Board, upon advice from the Code Enforcement Officer, shall determine whether any additional professional expertise will be needed to adequately conduct inspections of the project. If so, the Planning Board shall, as a condition of approval, require establishment of an inspection escrow account to be established with the Town of Olive. Professional assistance from engineers or others as may be needed shall be paid from this escrow account, and such account shall be replenished with fees until inspection activities are completed.
  - 2. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee, if required by the Town Board, and shall notify the Code Enforcement Officer in writing of the time when they propose to commence construction of such improvements so that the Code Enforcement Officer may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
  - 3. If the Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond or other acceptable securities, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he/she shall so report to the Town Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the acceptable securities to ensure that all required improvements shall be made. No Certificate of Occupancy shall be issued by the Code Enforcement Officer until all required improvements are properly installed and in place. No subsequent phases of a plat or a subdivision on another parcel controlled by the same subdivider shall be

approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

**§ 133-14 Filing an approved subdivision.**

- A. Signing and filing of the approved subdivision plat. The applicable provisions of New York Town Law § 277 shall apply.
- B. Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board. Any final plat recorded without complying with this requirement shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

**§ 133-15 Status of Roads, parks and easements.**

- A. Offers of cession. The applicable provisions of New York State Town Law § 279 shall apply.
- B. Acceptance by Town.
  - 1. Acceptance of any such offer of cession shall rest with the Town Board. In the event the applicant shall elect not to file the final plat in the office of the County Clerk, such offer of cession shall be deemed to be void.
  - 2. The approval by the Planning Board of a final plat shall not be deemed to constitute or imply the acceptance by the Town Board of any road, park, easement, or open space shown on said plat. The Planning Board may require said plat to be endorsed with an appropriate note to this effect.
- C. Maintenance of roads. In those cases where no offer of cession to the public is made for the roads, parks and required easement shown on the plat, there shall be submitted with the plat copies of agreements or other documents, including those, where applicable, that are required to demonstrate the subdivider's compliance with Article 23-A of the New York State General Business Law (also known as the "Martin Act"), including requirements having to do with homeowners associations or New York State Attorney General's Cooperative Policy Statement 7, or a road maintenance agreement in recordable form which provides for, and fixes responsibility for, their suitable maintenance, and statements of all rights which exist with respect to the use of such property or properties. Such documents shall be reviewed by the legal representative of the town, for legal adequacy and competence.

**Article IV**

**General Requirements and Design Standards for Major Subdivisions**

**§ 133-16 General standards.**

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

- B. Conformity to Official Map and Town Plan. All proposed subdivisions shall conform to the Official Map of the Town and shall conform to the Zoning Law set forth in Chapter **155** of the Town of Olive Town Code.
- C. Preservation of natural cover. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff, and conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from any lots shown on any subdivision plat, except for the purpose of improving such lots and for the laying out of roads shown thereon.
- D. Preservation of existing features. Existing features which would enhance the attractiveness of the site or the community as a whole, such as trees, watercourses, ponds, historic places and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the subdivision.
- E. Specifications for required improvements. All required improvements shall be constructed or installed to conform to applicable Town specifications, which may be obtained from the Town Clerk.
- F. The Planning Board shall have the authority to require a major subdivision to be designed in accordance with the process and standards for Conservation Subdivisions set forth in Article IV (§133-21a) of these Subdivision Regulations.

**§ 133-17 Roads.**

- A. General. Roads shall conform to current Town highway specifications and shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic, and to afford satisfactory access to police, fire-fighting, snow removal or other road maintenance equipment, and shall be coordinated so as to compose a convenient system. All roads shall be properly related to the Town's Comprehensive plan as may exist, and in conformance to the Official Map, if such exists, in location and design.
- B. Relation to topography. Roads shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many building sites as possible at or above the grade of the road. A combination of steep grades and sharp curves shall be avoided.
- C. Continuation of roads into adjacent property. Roads shall be arranged to provide for the continuation of principal roads between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly when such continuation is in accordance with the Town Comprehensive Plan, as it may exist. Reserve strips, controlling access to roads, shall be prohibited except where their control is placed with the town under conditions approved by the Planning Board. If adjacent property is undeveloped and the road must temporarily be a dead-end road, the right-of-way and improvements shall be extended to the property line. A temporary "T" in accordance with Town highway specifications shall be provided on all temporary dead-end roads, with the notation on the plat that land outside the normal road

right-of-way shall revert to abutting properties. **[Amended 7-13-2021 by L.L. No. 3-2021]**

D. Treatment of major roads.

1. In residential areas. Where a subdivision abuts or contains an existing or proposed major road, the Town Board or authorized agent may require marginal access roads, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
2. In business areas. In areas zoned or designed for commercial use, or where a change of zoning is contemplated for commercial use, the Town Board or its authorized agent may require that the road width be increased or that a service road be constructed, to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial area.

E. Dead-end roads. Permanent dead-end roads shall normally not exceed 1,200 feet in length in order to provide for convenience of traffic movement and facilitate more effective police and fire protection. The Town Board or its authorized agent may require the reservation of a fifty-foot-wide easement through this property to facilitate pedestrian traffic or utilities. No permanent dead-end roads may be constructed having more than 20 building lots. A "T" in accordance with the Town highway specifications shall be provided at the end of permanent dead-end roads. **[Amended 7-13-2021 by L.L. No. 3-2021]**

F. Road names.

1. All roads shall be named, and such names shall be subject to the approval of the Planning Board. Names shall be sufficiently different in sound and spelling from other road names in the Town to avoid confusion. A road which is a continuation of an existing road shall bear the same name. As general policy, the use of personal names for new roads is discouraged. Historical names are preferred, or names appropriate to the particular development or general neighborhood.
2. The developer shall be responsible for the supply and erection of road signs in accordance with the town highway specifications.

G. Intersections.

1. Design. Intersections of state highways by other roads shall be at least eight hundred (800) feet apart. Cross (four-cornered) road intersections shall be avoided, except at important traffic intersections. A distance of at least one hundred fifty (150) feet shall be maintained between offset intersections. Within forty (40) feet of an intersection, roads shall be approximately at right angles, and grades shall be limited to two percent (2%). All road intersection corners shall be rounded by curves of at least twenty five (25) feet in radius at the property line.
2. Visibility at intersections. Within the triangular area formed at corners by the intersecting road lines, for a distance of seventy five (75) feet from their intersection

and diagonally connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility. An easement for the enforcement of this provision shall be granted to the owner of the road and notation to this effect made on the plat.

- H. Provision for future resubdivision. When a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow the provision of future roads and logical further subdivision.

**§ 133-18 Blocks.**

Block dimensions shall be at least twice the minimum lot depth and generally at least four hundred (400) feet in length. In long blocks, the Planning Board may require the establishment of easements or public ways through the block to accommodate utilities or pedestrian access.

**§ 133-19 Lots.**

- A. Buildable lots. The lot size, width, depth, shape and arrangement shall be appropriate for the type of development and use contemplated, and shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Town Law as it may be adopted, or in providing access to buildings on such lots from an approved road. Dimensions of corner lots shall be large enough to allow for erection of building, observing the minimum front yard setback from both roads.
- B. Side lot lines. Side lot lines shall be at right angles to road lines unless a variation from this rule will give, in the opinion of the Planning Board, a better road or lot plan. Lot lines shall coincide with municipal boundaries rather than cross them. Where extra width has been dedicated for widening an existing road, lot lines shall begin at such extra width line.
- C. Access from major roads. Lots shall generally not have their vehicular access from a major road. Where driveway access from a major road may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such roads. (See § **133-17D**, Treatment of major roads.)
- D. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the access road, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Board or its authorized agent.
- E. Water bodies. If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the ownership of the water body among the fees of the adjacent lots. The Planning Board may approve an alternate plan whereby the ownership and responsibility for safe maintenance of the water body is so placed that it will not become a town responsibility. No more than twenty five percent (25%) of the minimum lot area required under zoning regulations may be covered by water.

**§ 133-20 Reservations and easements.**

- A. Parks and open space.

1. General. In accordance with § 277 of the New York State Town Law, the Planning Board may require either the reservation of land for park or recreational purpose or payment of a fee to a trust fund to be used for recreational purposes in the area of the subdivision.
  2. Reservation of land. The Planning Board may require the reservation of land for a park or recreational purposes to be reserved on the plat, but in no case to be more than ten percent (10%) of the gross area of the subdivision. The location of such reservation shall be in accordance with the Town Plan or Official Map, if such exist, or otherwise where the Planning Board shall deem such reservation to be appropriate. In general, such reservations should have an area of at least two acres and have adequate road access.
  3. Payment of fee. Where the Planning Board deems that the reservation of land would be inappropriate, the Planning Board may waive the requirement of land reservation, on the condition that the subdivider deposits a cash payment in lieu of land reservation with the Clerk of the Planning Board. Such payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds, or other recreational purposes. The amount of such payment shall be computed by the Planning Board. This fee shall be paid upon tentative approval of the final plat.
- B. Widening or realignment of existing roads. Where the subdivision borders an existing road and additional land is required for realignment or widening of such road as indicated on the Official Map or Town Plan, if such exist, or where the Planning Board deems such reservation necessary, the Planning Board may require that such areas be indicated on the plat and marked "Reserved for Road Realignment (or widening) Purposes."
  - C. Easements for utilities and drainage. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the road lines and with satisfactory access to the road. Such easements shall be centered on rear or side lot lines.
  - D. Easements for pedestrian access. The Planning Board may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width.
  - E. Easements for maintenance of slopes. Where steep slopes beyond the road right-of-way may require maintenance, an easement may be required for such purpose.
  - F. Responsibility for ownership of reservations. Title to all reservations, if vested in interests other than the subdivider, shall be clearly indicated on the plat.
  - G. Monuments and improvements.
    1. Monuments and markers. Monuments shall be placed at all block corners, angle points, points or curvature and points of tangency in roads and at intermediate points

as required by the Town Board or its authorized agent. In no case shall there be less than four permanent monuments per block. Monuments shall be set so as to prevent movement by frost upheaval and other pressures. Markers of a material, size and length suitable to the Town Superintendent of Highways or his authorized agent shall be placed at all points where road lines intersect plat boundaries and at all lot corners.

2. Road improvements. Roads shall be graded and improved with pavement and road signs in accordance with town highway specifications. Where underground utilities are required by the Planning Board, they shall be placed between the paved roadway and road right-of-way line, where possible, to simplify location and repair of the lines. The subdivider shall install underground service connection to the property line of each lot before the road is paved. Such grading and improvements shall be approved as to design and specifications by the Town Board or its authorized agent, who shall require that all pertinent town standards and specifications shall be met.
3. Storm drainage facilities. Storm drainage facilities shall provide a clear and protected channel fully adequate to handle runoff from a twenty-five-year storm and designed so that heavy runoffs which exceed the capacity of the channels can be handled with least possible damage to improvements and structures or as may be approved by the Town Board or its authorized agent.
4. Public utilities. The Planning Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved subdivision plat.
5. Central water and sewage facilities. Where central water and/or central sewage for a subdivision is required by the Planning Board or other governmental agency or where central water and/or central sewage is to be placed in the subdivision by the developer, said systems shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction over the planning and installation of these facilities.

§ 133-21 **Reserved.**

§ 133-21a Conservation Subdivisions.

- A. Purposes. Purpose of this section of the Subdivision Regulations is to achieve the following goals and policies of the Town of Olive:
  1. To conserve open land, including those areas containing unique and sensitive natural features such as, but not limited to, steep slopes, streams, stream sides, floodplains, and wetlands, by protecting them from development.

2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads and the amount of paving required.
3. To provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups.
4. To create neighborhoods with direct visual or physical access to open land and that have strong neighborhood identity that is consistent with the rural character of Olive.
5. To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties.
6. To protect and conserve elements of the Town's rural character.

B. Applicability

1. Any minor or major subdivision application may voluntarily utilize conservation subdivision design and be considered by the Planning Board.
2. All major subdivisions shall submit to the Planning Board a sketch plan, pursuant to §133-10 of the Subdivision Regulations that illustrates both a conventional subdivision layout with a yield plan, and a conservation subdivision layout plan pursuant to §133-21a. The Planning Board is authorized to require a particular subdivision to adhere to §133-21a of these Subdivision Regulations where environmental resources and important landscapes cannot be adequately protected or the purposes of these regulations and of the Zoning Law cannot be met under conventional subdivision layouts due to the unique site conditions of the parcel, in the opinion of the Planning Board.
  - a. A yield plan shall be prepared as a conceptual sketch plan, in accordance with the density and other development standards for the applicable zoning district(s) as per the Town of Olive Zoning Law. Subdivision yield plans shall show conventional lots with required minimum lot sizes, setbacks and other required dimensions for the districts, roads, driveways, and other pertinent features specified by this code for a major subdivision.
  - b. Subdivision yield plans shall be realistic and must not show potential house sites or roads in locations that would not ordinarily be legally permitted in a conventional subdivision.
  - c. A conservation subdivision concept plan shall show primary and secondary conservation areas, building envelopes, roads, driveways and other features specified for a conservation subdivision per §133-21a.
  - d. The Planning Board, after consideration of both the conventional and conservation subdivision concept plans, shall determine which layout shall be required, and in writing, shall convey such determination to the subdivider within the time frames established for the review of sketch plans pursuant to §133-10 of these regulations.

3. In approving a Conservation Subdivision, the Planning Board has the authority to impose such additional conditions and restrictions as are directly related to the proposed subdivision and protection of resources.
4. All housing types allowed in the district where a subdivision is proposed shall also be allowed within a conservation subdivision. Other permitted, accessory, and special permit uses within a conservation subdivision shall be the same as those otherwise allowed in the zoning district in which the development is located. The density of such housing units shall be determined pursuant to the applicable provisions of the Town of Olive Zoning Law.

C. Compliance with other laws and codes

Should the requirements of this section conflict with, or otherwise be inconsistent with, any other provision of these Town of Olive Subdivision Regulations, the provisions of this section shall prevail.

D. Procedures and integration

All procedures for a Major Subdivision pursuant to Article III of this Local Law and of NYS Town Law Section § 277 shall be followed. Whenever the circumstances of a proposed application require compliance with any other local law, ordinance, code or requirement of the Town, to the extent reasonably practicable, the Planning Board shall integrate, or run in parallel, as many of the applicable procedures and submission requirements as is reasonably practicable so as not to delay review and decision-making. In addition to the site analysis and design detailed in this § 132-21a, all other design requirements for a major subdivision pursuant to Article IV of these Subdivision Regulations shall be met. Any time periods set forth in this § 132-21a may be extended by mutual consent of the owner and the Planning Board.

E. Dimensional standards

The permitted number of dwelling units in a conservation subdivision shall not exceed the number of units that would be permitted according to the density requirements of the Town of Olive Zoning Law. The Planning Board shall allow alteration of lot dimensions within a conservation subdivision in order to properly accomplish the purposes of this Section to preserve the maximum amount of open space when a subdivision is planned. Lots shall be arranged in a way that preserves open space, natural resources, and promotes land conservation as described in §133-21a.

1. A major subdivision must preserve at least fifty percent (50%) of the parcel's acreage as open space land.
2. Minimum road frontage per lot shall be twenty-five (25) feet, unless waived at the discretion of the Planning Board.
3. Minimum lot size. The minimum lot size within a conservation subdivisions where individual wells and septic systems are required for each lot shall be equal to that required by the Ulster County Department of Health to meet standards for water and septic system approvals. For lots in subdivisions that do not need individual well and septic systems, the minimum lot size shall be twenty-five thousand (25,000) square feet, on average.
4. Maximum impervious surface area shall be twenty percent (20%) on each lot created.

5. Maximum height of any building or structure to be placed on a lot shall be thirty-five (35) feet.
6. Whenever a conservation subdivision is immediately adjacent to a farm operation in the New York State Certified Agricultural District 3 or 4, setbacks for any new building in the subdivision from adjacent cropland or pastureland shall be one hundred (100) feet. Where a conservation subdivision is planned on farmland within an Agricultural District, prime soils, soils of statewide importance and active agricultural areas shall be included in the required fifty percent (50%) open space, and new buildings shall be one hundred (100) feet from such features.
7. There shall be a one hundred (100) foot setback from the normal water edge of the Esopus, Little Beaverkill and Bushkill streams as per §155-7 of the Town of Olive Zoning Law and all other streams shall have a fifty (50) foot setback. Setbacks required by all other relevant laws and regulations shall also be met.

#### G. Sketch Plan and site analysis

1. Sketch Plan. In addition to general requirements for a Sketch Plan pursuant to §133-10, and the required documentation for major subdivisions pursuant to § 133-22, the following additional information shall be submitted by the subdivider as a basis for informal discussions with the Planning Board regarding the design of a conservation subdivision. The Planning Board shall evaluate the proposed subdivision during the preliminary application meeting and shall determine whether the Sketch Plan meets the purposes of this section. Complete and complex engineered plans and architectural drawings are premature and not required at this phase. The 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. The sketch plan shall contain:
  - a. The subdivision name or title, if any; the scale, which shall be no less than one (1) inch equals one hundred (100) feet;
  - b. North direction, which shall be oriented toward the top of the plan; the plan date; and the label "Concept Plan."
  - c. The subdivision boundaries and the owners of all contiguous properties
  - d. The zoning classification and tax map number(s) of the property to be subdivided.
  - e. The total acreage of the subdivision and the proposed number and locations of lots. Lots shall be generally located using the four-step design process of this section.
  - f. All existing roads, either mapped or built, adjacent to the tract.
  - g. All existing restrictions on the use of land, including easements and covenants, if any.

- h. All existing structures, general location of agricultural fields, wooded areas, watercourses or waterbodies, steep slopes, and other significant physical features of the parcel.
- i. Setbacks as may be required by these Subdivision Regulations, the Town of Olive Zoning Law, any Floodplain Law, or State or Federal laws from watercourses, wetlands, and floodplains, if any.
- j. The Planning Board shall refer the Sketch Plan to the Town of Olive Highway Superintendent, Fire Company, Conservation Advisory Council and others as needed for review and an advisory opinion about the completeness of the Sketch Plan and the potential effects the subdivision may have on the environment.

#### H. Site Analysis for Preliminary Plat.

When a conservation subdivision is requested or required, the following site analysis shall be submitted as part of the preliminary plat by the subdivider in addition to any other requirements of §133-10 of the Town of Olive Subdivision Regulations. A conservation subdivision site analysis is more detailed to enable the identification and protection of important open space and landscape features on the parcel. The site analysis shall include an identification of primary and secondary conservation lands within a parcel(s) as defined by these regulations.

The site analysis shall include a Site Analysis Map that shows the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, or from aerial photographs.

1. The applicant may obtain advice and assistance from an accredited land trust or environmental organization when preparing the site analysis, and use information and data from sources such as, but not limited to the New York State Department of Environmental Conservation, the Town of Olive Conservation Advisory Committee, Ulster County, or any local or county natural resource inventory as may exist. The site analysis described in this sub-section may be included with the Sketch Plan submitted to the Planning Board, or if not, shall be included with the application submissions for the preliminary plat.
2. The following features for the property being subdivided and for adjacent parcels within two hundred (200) feet of the parcel's boundary, where applicable, shall be shown on the preliminary plat and used in the identification of primary and secondary conservation areas, unless waived by the Planning Board.
  - a. Areas where the slope exceeds fifteen percent (15%).
  - b. Wetlands, areas of known hydrological sensitivity including but not limited to aquifer and aquifer recharge areas, municipal water supply recharge areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any.

- c. Agricultural lands including farmland within, and adjacent to, a New York State certified Agricultural District, soils classified as being prime farmland or soils of statewide significance, if any.
  - d. Sites where community sewer, community water, or community water and sewer are available or planned, if any.
  - e. Lands within, or contiguous to, a Critical Environmental Area designated pursuant to Article 8 of the New York State Environmental Conservation Law, if any.
  - f. Lands contiguous to publicly owned or designated open space areas, or privately preserved open spaces, if any.
  - g. Historic structures or areas of national, state or local importance, if any, and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places.
  - h. Sites in, or bordering on, known scenic locations identified in the Town's Comprehensive Plan, if any.
  - i. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species, or unique natural or geological formations, if any as determined by New York State Department of Environmental Conservation, the New York State Natural Heritage Program, or other plans such as but not limited to the Town Comprehensive Plan and a local or County Natural Resource Inventory, if any.
  - j. General description and locations of the vegetative cover on the property according to general cover type including cultivated land, grass land, old field, hedgerow, woodland and wetland, if any.
  - k. Lakes, ponds or other significant recreational areas, or sites designated as such in the Town's Comprehensive Plan, if any.
  - l. Existing trails, inactive railroad beds, bikeways, and pedestrian routes of Town, State or County significance or those indicated in any Town, County or State plan for future trail development, if any.
  - m. Location of all existing roads, buildings, utilities and other man-made improvements.
  - n. All easements and other encumbrances on the property, which are or have been filed of record, with the Ulster County Clerk's Office.
- I. Site design of major subdivisions for Preliminary Plat.
- 1. A preliminary plat shall be developed pursuant to this Section and §133-11, of the Olive Subdivision Regulations.
  - 2. A preliminary plat shall include documentation of the following four-step design process

in determining the layout of the conservation subdivision to include proposed conserved lands, house sites, roads, and lot lines. Each step of the conservation design process shall be described and/or shown in the preliminary plat submissions:

- J. Step 1. Delineate Open Space 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. Proposed open space areas shall be designated as follows:
  - 1. Primary Conservation Areas as described and defined in these regulations shall be delineated and designated on a map first.
  - 2. Secondary Conservation Areas shall then be delineated and designated on a map. In delineating Secondary Conservation Areas, the subdivider shall prioritize natural and cultural resources on the parcel in terms of their highest to least suitability for inclusion in the proposed open space in consultation with the Planning Board. Secondary Conservation Areas shall be delineated 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. Calculations shall be provided indicating the subdivider's compliance with the acreage requirements for open space areas on the parcel.
  
- K. Step 2. Specify Location of House Sites. Building envelopes shall be tentatively located within the potential development areas according to sub-section I, below. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.
  
- L. Step 3. Align Roads and Trails. After designating the building envelopes, a road plan shall be designed to provide vehicular access to each house, complying with the standards identified in the Zoning Law and bearing a logical relationship to topographic conditions. Impacts of the road 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 or forested lands. Existing and future road connections are encouraged to minimize the number of new dead end roads or cul-de-sacs to be developed and maintained, and to facilitate links and access to and from homes in different parts of the tract and adjoining parcels where feasible. All applicable highway design requirements of the Town of Olive shall be met.
  
- M. 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.
  
- N. Site design criteria
  
- O. Residential structures in a conservation subdivision shall be located according to the following guidelines. In order to be consistent with the goals of the Town of Olive, the subdivision shall be designed primarily to protect the environment, maintain open space, and protect Olive's rural character. 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 major subdivision shall avoid or minimize adverse impacts by being designed:

- a. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use.
- b. Away from the boundaries of any area preserved with a conservation easement or other permanent protection.
- 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, fens, springs and seeps, floodplains, vernal pools, wetlands, and their buffers.
- e. To minimize all grading and earthmoving on slopes greater than fifteen percent (15%). Such grading shall be designed only to create a house site, driveway and area for a septic system. Such grading shall not result in cut and fills whose highest vertical dimension exceeds eight (8) feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill.
- f. To avoid disturbing existing cultural and scenic features including but not limited to stone walls. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping. The layout shall leave scenic views and vistas unblocked or uninterrupted, as seen from public thoroughfares. Where these scenic views or vistas exist, a deep non-vegetated buffer is recommended along the road where those views or vistas are prominent or locally significant.
- g. To be as visually inconspicuous as practicable when seen from state, county and local roads, the subdivision shall preserve woodlands along roadways, property lines, and lines occurring within a site such as along streams, swales, stone fences, and hedges to create buffers with adjacent properties. Preservation shall include ground, shrub, understory and canopy vegetation.
- h. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads. House lots shall generally be accessed from interior roads, rather than from roads bordering the parcel. New intersections with existing public roads shall be minimized. Subdivisions shall be designed to minimize access and egress points. The Planning Board shall coordinate with emergency service providers to ensure adequate emergency access.
- i. On suitable soils for subsurface sewage disposal (where applicable).
- j. With minimal disruption to Core, Matrix or Linkage forests as defined and mapped by the New York State Department of Environmental Conservation and the New York State Natural Heritage Program, or along the far edges of open fields adjacent to any

woodland to enable new residential development to be visually absorbed by the natural landscape.

- k. To protect overall biodiversity, and wildlife habitat areas of species listed as endangered, threatened, or of special concern by either the United States Department of the Interior or the New York State Department of Environmental Conservation (NYS DEC), or critical habitats listed by the NYS DEC or other official sources as may exist such as, but not limited to a local or County Natural Resource Inventory.

P. Open space standards:

1. The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed subdivision design shall strictly minimize disturbance to these environmentally sensitive areas. The lot layout shall show how those sensitive areas will be protected by the proposed subdivision plan.
2. Open space lands shall be laid out 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, and their associated upland habitats.
3. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the parcel.
4. Open space land shall, to the maximum extent practicable, be contiguous to avoid fragmentation.
5. Open space lands may be designated as one or more individual conservation lots owned in common or designated and included as part of one or more house lots. A portion of any house lot five (5) acres or more in size may be used for meeting the minimum required open space land provided that there is a permanent restriction enforceable by the Town that states the future development shall be restricted to open space such as undisturbed wildlife habitat, managed agricultural field, or forest, and that prevents development of, or use as, a mowed lawn on that portion of the parcel, and that is contiguous to other lands to form unfragmented open spaces. Any house lot less than five (5) acres does not qualify as contributing to open space.
6. Walkways, trails, historic sites or unique natural resource features requiring common ownership protection may be included in the preserved open space lands.

7. The required open space may be used for community septic systems provided it is seeded and maintained with pollinator-friendly meadow vegetation.
8. Recreation lands such as ball fields, golf courses, and parks shall not be considered part of the required open space.

Q. Roads, driveways and trails.

1. A pedestrian circulation and/or trail system shall be shown and shall be sufficient for the needs of residents, unless waived by the Planning Board.

R. New roads shall meet Town Highway Specifications. Where appropriate, the Planning Board shall work with the Highway Department to ensure that new roads and driveways do not impact or detract from the rural and environmental character of a conservation subdivision.

S. Whenever appropriate, road 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.

T. Use of single-loaded roads where new residences are placed only on one side of the road is encouraged alongside conservation areas to provide views of the conservation lands for those residents.

U. Protection of open space.

1. The conservation easement, declaration of covenants, or deed restriction on the approved subdivision plan shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation or similar purposes. The Planning Board shall approve the form and content of any easement, declaration, restriction, or subdivision plan. Regardless of which method of protecting the required or designated open space is selected, the restriction shall be made a condition of the final plat approval. All required open space shall be depicted and noted on the plat as protected open space and restricted from further subdivision and development through one of the following methods to be proposed by the applicant and approved by the Planning Board:

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

1. The conservation organization is acceptable to the Town and is a bona fide conservation organization as defined in Article 49 of the New York State Environmental Conservation Law. Land trusts that are certified by the Land Trust Alliance have the highest preference to be easement grantees.

- b. A deed restriction that permanently restricts further development on the areas designated as open space.

- c. Either protection method shall include or detail:

1. 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.
  2. A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to ensure perpetual maintenance of the open space.
  3. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.
  4. A declaration of covenants or deed restrictions, in a form acceptable to the Planning Board, and recorded in the Ulster County Clerk's Office.
  5. A permanent conservation easement shall be in a form acceptable to the Town and recorded at the County Clerk's Office.
2. The Planning Board shall require plat notes to be added to the final approved plat that includes all the following information:
- a. A record of the size of the parent parcel being subdivided.
  - b. The total number of lots and the total number of dwelling units approved as per the Town of Olive Zoning Law.
  - c. 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.
  - d. Which lands shall be preserved as open spaces and upon which no further allocation of dwelling units shall be made.
  - e. For subdivisions having an unused allocation of dwelling units, the official register shall be updated as development allotments are used up to reflect these changes.
- V. Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a homeowner's association (HOA).
- W. Open space may also be conveyed to the Town, County or State governments, or transferred to a qualified non-profit organization including a land trust. Open Space lands conveyed shall have a protection mechanism already in place before the land is conveyed in order to ensure preservation of the required open space. The applicant shall provide proof that the receiving body agrees to accept the dedication.
- X. The Town seeks to ensure long-term maintenance of privately-owned lots where protected open space is located. When open space lands are proposed to be privately owned on a lot having dedicated open space use, and where those lands are not subject to a conservation

easement or are not to be transferred to a qualified non-profit organization or municipality, such lands shall be owned by an HOA, or have a deed restriction requiring that the open space land designated on that lot shall be permanent and the lot shall allow only one residence.

- Y. Any house lot slated to include preserved open space shall also be considered part of, and not in addition to, the allowed density the parent parcel is eligible for. Any development permitted on that lot in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
- Z. If the open space is to be owned by a homeowners' association (HOA), the HOA must be incorporated before the final subdivision plat is signed. The subdivider shall provide the Planning Board 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 subdivider shall also provide the Planning Board with proof that the HOA has been reviewed and approved by the Office of the New York State Attorney General.
  - 1. If land is held in common ownership by a homeowner's association (HOA), such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. No lands owned and managed by an HOA shall require public maintenance or expenditures and all costs related to the protection of such open space shall be borne by the HOA. The HOA must be responsible for liability insurance, taxes and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. The Planning Board and Town Attorney shall review the HOA documents to ensure they satisfy the conditions above. All fees associated with this review are the responsibility of the developer.
  - 2. The homeowner's association shall be in place and operating before the sale of any dwelling units in the development. The proposed homeowner's association shall be established by the subdivider 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 (NYS) Department of Law, if required. In the event that the NYS Department of Law grants an exemption from the requirement of an offering plan pursuant to Cooperative Policy Statement 7, the subdivider shall have in place a maintenance agreement approved by the Office of the NYS Attorney General and acceptable to the Town that ensures perpetual maintenance of the open space.
  - 3. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.
  - 4. The HOA shall be responsible for liability insurance, taxes and maintenance of open space land as required by the Planning Board as well as any recreational facilities and other commonly held facilities.

AA. 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 as may be required by the Planning Board in its final plat approval.

2. Failure to adequately maintain any improvements located on the preserved open space and keep them in reasonable operating condition is a violation of the subdivision approval, these Regulations, and the Town of Olive Zoning Law. Upon appropriate authority or process, the Town may enter the premises for necessary inspection. If the preserved open space is failed to be maintained as per Planning Board final approvals, the Town is authorized to carry out any maintenance required to ensure preservation of the open space, 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. If unpaid, such costs shall become a tax lien on such property.

AA. Sewage treatment systems

Sanitary sewage disposal systems, whether community systems or individual sanitary waste facilities, may be located within, or extend into, required open space areas, provided that sub-surface 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 land area is maintained as a meadow habitat with periodic mowing. Applications shall be approved that provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer or sanitary waste 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.

CC. Future subdivisions

When a subdivider includes only a portion of landowner's entire parcel in a plan for a conservation subdivision, a Sketch Plan according to this § 133-21a shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner and allocation of remaining density as per the Town of Olive Zoning Law to ensure that subdivision may be accomplished in accordance with this Section and to allow the Planning Board to adequately assess segmentation under the State Environmental Quality Review Act. Subdivision and review of the sketch plan of those locations at this stage shall not constitute approval of the future subdivision shown thereon.

Article V  
**Documents to be Submitted for Major Subdivisions**

§ 133-22 **Sketch Plan.**

- A. Number of copies. At least seven (7) copies and one (1) digital copy of the sketch plan shall be delivered to the Planning Board.
- B. Details required. All major subdivisions shall include the following documents or information unless waived by the Planning Board. For conservation subdivisions, this information is in addition to the documents and information required pursuant to §133-21a, unless waived by the Planning Board.
  - 1. The sketch shall be at a convenient scale of no more than one hundred (100) feet to the inch and shall be submitted on uniform size sheets not larger than thirty four (34) inches by forty four (44) inches and shall contain the date of preparation, approximate true North point, title "Sketch Plan," and the graphic scale. Where more than one sheet is required, a scaled map showing the entire subdivision on one sheet shall be prepared.
  - 2. The name and address and signature of the owner or owners of the land to be subdivided, the name and address of the subdivider, if other than the owner, the name of the land surveyor or licensed professional engineer and seal who prepared the Sketch Plan, the proposed name of the subdivision, the Town of Olive, and Ulster County.
  - 3. A map of the location of the tract with respect to surrounding properties and community facilities such as roads, parks and schools. Such map is to be at a scale of either two thousand (2,000) or eight hundred (800) feet to the inch and shall identify all property in the vicinity of the subdivision held by the subdivider.
  - 4. All existing restrictions on the use of land including easements, zoning lines or road lines.
  - 5. A Sketch Plan on a topographic survey of the proposed area to be subdivided and of all contiguous property owned or optioned showing in simple form the proposed layout of roads, lots, and other features.
  - 6. All restrictions and covenants shall be submitted with the Sketch Plan.
  - 7. Contours shall be indicated at intervals of five (5) feet or as may be required by the Planning Board.

§ 133-23 **Preliminary plat.**

- A. Number of copies. At least seven (7) copies and one (1) digital copy shall be delivered to the Planning Board.
- B. Details required. The Town Planning Board may require that the preliminary plat show or be accompanied by the following information. In addition, a conservation subdivision plat shall meet all of the preliminary plat requirements set forth in §133-21a of these Regulations. The Planning Board may waive any or all of these requirements pursuant to § 133-4 of these Regulations.

1. All data required in § **133-22B**, except it shall be clearly labeled “Preliminary Plat.”
2. The location, bearings and distances of the tract’s boundaries prepared by a licensed surveyor, location of North, and the date of preparation.
3. The names of all adjoining property owners of record and the names of adjacent developments.
4. The location and dimensions of all public properties, road lines, easements, zoning boundaries, or restrictions on the property.
5. Location of existing and proposed sanitary sewers, water mains for connecting a central water supply system, leaching fields, culverts indicating pipe size and type, storm drains, grades, direction of flow and ownership of applicable items.
6. The name, location, width, and approximate grade of all proposed roads with the approximate elevations shown at the beginning and end of each road, at road intersections, and at all points where there is a decided change in slope; radii of all curves and lengths of arcs.
7. Profiles showing existing and proposed elevations along the center lines of all roads.
8. Plans and profiles showing the location and a typical cross section of road pavements; the location, size and invert elevations of existing or proposed sanitary sewers and stormwater drains.
9. The area of land included in the subdivision and the approximate location, dimensions and area of all proposed or existing lots. The suggested location of buildings on lots will also be shown. If required, the land to be set aside for recreation and public purposes shall be shown. All lots shall be numbered.
10. Proposed provisions for water supply. If water is to be supplied by individual wells, then the approximate location of each well shall be shown upon the map.
11. The location of all existing buildings that may be used as residences. The location of stone walls, watercourses, swamps and all pertinent natural features that may influence the design of the subdivision.
12. The location, dimensions, and status of all covenants, deed restrictions, or easements which exist.
13. Soil characteristics as determined by the United States Department of Agriculture, where available.
14. Contours shall be indicated at intervals of five (5) feet or as otherwise designated by the Planning Board.
15. All lots shall be monumented to comply with § **133-20G(1)** of these Regulations.

16. The name, seal and license number of the surveyor or professional engineer who prepared the plat.
17. Any covenants or restrictions which will be placed upon the subdivision by the subdivider.
18. The Planning Board may require the following information to be shown upon the preliminary plat: fire hydrant(s), community sanitary waste disposal plant (if required), road trees, lighting, sidewalks.
19. The Planning Board may also require other data not included under these Subdivision Regulations if the Board determines such other data may influence the design of the proposed subdivision.

§ 133-24 **Final plat.**

- A. General specifications. All final plats shall be clearly drawn on a transparent stable material such as Mylar or Chronoflex, suitable for reproduction, using black waterproof ink. Such plat shall be at a convenient scale of no more than one hundred (100) feet to the inch and shall be submitted on uniform sheets not larger than thirty four (34) inches by forty four (44) inches. Where more than one sheet is required, a scaled map showing the entire subdivision on one sheet shall be submitted.
- B. Copies required. The subdivider shall submit to the Planning Board seven (7) prints.
- C. Details required. The final plat shall show, or be accompanied by, all the information required under §§ 133-21a (as applicable), **133-22B**, and **133-23B** of these Regulations, and in addition, the final plat shall contain such information as required by the Planning Board after a public hearing on the preliminary plat.
- D. Subdivision. The Planning Board at its option may require the following to be placed upon the final plat:
  1. Curbs and gutters, sidewalks, manholes and catch basins, road trees, fire hydrants, and, if required, the exact location and size of all water, gas, and/or other underground utilities.
  2. Endorsement by the Ulster County Health Department, and any stipulations of that Department (only tentative written endorsement is necessary before the public hearing, but final endorsement on the plat is needed before filing with the Ulster County Clerk).
  3. Explanation of drainage easement as follows: “The drainage easements (or the drainage discharge points) shown hereon establish the perpetual right to discharge stormwater runoff from the highway and from the surrounding area onto and over the affected premises by means of pipes, culverts, or ditches, or a combination thereof, together with the right of the holder of fee title to the highway, or his authorized representatives, to enter said premises for purposes of making such installations and doing such maintenance work as said holder of fee title may deem necessary to adequately drain the highway and surrounding area.”

4. Explanation of sight easements as follows: “The sight easements shown hereon establish the perpetual right of the holder of fee title of the highway, or his authorized representatives, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between an observer’s eye at an elevation of three and one half (3.5) feet above the road surface at the nearest edge of the road and an object one (1) foot above the nearest edge of pavement on the intersecting road.” See also § **133-17G** of these Regulations.
5. Explanation of reservations as follows: “Reserved for highway purposes (or recreation purposes, or other approved purpose).”
6. Explanation of slope easements, as follows: “The slope easements shown hereon convey to the (insert here Town of Olive, or holder of fee title of the highway or other phrase as directed by the Planning Board) the right to enter said premises for the purpose of cutting and maintaining a stable earth slope.”

## Article VI Procedures and Requirements for Minor Subdivisions

### § 133-25 **Policy.**

It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall meet the purposes of these subdivision regulations and be of such character that it can be used safely for building purposes without danger to health, or peril from fire, floods or other menace; that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed roads shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Town Comprehensive Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access to fire-fighting equipment to buildings. The provisions under this Article are specifically designed to make approval of a minor subdivision more easily obtainable than a major subdivision while still protecting the Town of Olive and future owners of the subdivided parcels.

### § 133-26 **General procedure.**

Whenever any subdivision of land is proposed to be made under the provisions of this Article in the Town of Olive, and before any lots are sold, and before any erection of a structure in such proposed subdivision, the subdivider or his authorized agent shall apply for approval of such proposed subdivision in accordance with this section. The following is a summary of required procedures:

- A. Pre-application meeting with Planning Board. This meeting shall be to consider the sketch concept plan.

- B. Meeting with the Planning Board.
- C. Classification as minor subdivision and study of sketch plan (within 45 days).
- D. Public hearing. [**Added 7-13-2021 by L.L. No. 3-2021**]
- E. Review and approval by non-Town agencies (if necessary).
- F. Planning Board approval by resolution.
- G. Planning Board signs plan.
- H. Planning Board files decision, and subdivider files plan, if approved.

**§ 133-27 Pre-application meeting.**

Before preparing a detailed proposal, the subdivider will make an appointment at a regular meeting of the Planning Board to familiarize themselves with the requirements of these and other regulations, the policies and plans of the Planning Board, and other information that may be pertinent to the subdivision. They should also discuss their proposal with the Ulster County Health Department which is responsible for the adequacy of lot sizes for water supply and sewage disposal and in certain areas of the Town with the New York City Department of Environmental Protection. Under certain conditions, the subdivider may also need the approval of the state or county highway agencies, the Ulster County Planning Board, and others. This initial conference is mandatory and is intended to save the subdivider time and unnecessary expense. It is advised that a pre-application meeting with Town Staff take place to address issues prior to the preliminary conference with the Planning Board.

**§ 133-28 Sketch Plan.**

- A. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Clerk of the Planning Board at least fourteen (14) days prior to the regular meeting of the Board seven (7) copies (see § **133-37**) and one (1) digital copy of a Sketch Plan of the proposed subdivision, which shall comply with the requirements set forth below for the purposes of classification and preliminary discussion.
- B. The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than two hundred [200] feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:
  1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.
  2. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than twenty (20) feet.
  3. The name and signature of the owner(s) and the names of all adjoining property owners

as disclosed by most recent tax records.

4. The tax map sheet, block and lot numbers, if available.
5. All the utilities available, and all roads which are either proposed, mapped, or built.
6. The proposed pattern of lots (including lot width and depth), road layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area. The Planning Board may require identification of the building envelope on the Sketch Plan to ensure such subdivision will be consistent with the purposes of these regulations and the Town of Olive Comprehensive plan, as may exist or be amended from time to time.
7. All existing restrictions on the use of land including easements, covenants, or zoning district boundaries.
8. The proposed subdivision name, name of the town and county in which it is located.
9. The date, North point, map scale, and the name and address of subdivider.
10. If the subdivision is proposed to be designed as a conservation subdivision, or is required to be a conservation subdivision by the Planning Board, all information and documents required pursuant to §133-21a of these Regulations shall be included on the Sketch Plan.

**§ 133-29 Meeting with Planning Board.**

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for road improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. The Planning Board may schedule a site visit with the subdivider to develop a mutual understanding of the general nature of the site and the approach to subdividing the land.

**§ 133-30 Classification as minor subdivision.  
[Amended 7-13-2021 by L.L. No. 3-2021]**

After the pre-application meeting with the subdivider or his representative, the Planning Board shall classify the subdivision as a major or minor subdivision. If the Board determines that the subdivision is a major subdivision, then the subdivider must follow the procedures outlined in Articles **III**, **IV**, and **V** of these Regulations. If the Board determines that the subdivision meets the requirements of a minor subdivision, then the subdivider should be notified, and the subdivider must follow the procedures of Article VI. Lot line adjustments or deletions shall be considered as a minor subdivision and therefore the Planning Board should follow the procedure for minor subdivisions.

**§ 133-31 Minor as part of major subdivision.  
[Amended 7-13-2021 by L.L. No. 3-2021]**

This Section shall apply to any subdivision of land which is adjacent to, or which encompasses

any approved minor or major subdivision(s), and which is owned by the same or previous owner(s) of the approved minor or major subdivision(s). Look-back time period shall be five (5) years from the date of the current application.

- A. If any approved minor subdivision(s) should subsequently become part of a major subdivision, then the procedures and fees required in Articles **III**, **IV**, and **V** of these Regulations shall apply to any lots that had received prior approval as a minor subdivision.
- B. If the sum of the number of lots in any proposed subdivision of land, and any previous lots approved as a minor or major subdivision, is five (5) or more, and if such proposed subdivision is adjacent to or encompasses the approved minor or major subdivision, and if the owner(s) of the proposed subdivision is the same as the owner(s) or previous owner(s) of the approved minor or major subdivision, then the proposed subdivision shall be considered as a major subdivision and the procedures and fees required in Articles **III**, **IV**, and **V** of these regulations shall apply.

**§ 133-32 Study of Sketch Plan.**

The Planning Board shall determine whether the Sketch Plan meets the purposes of these Regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the subdivider in the next submission to the Planning Board. The Planning Board shall also identify the appropriate design standards that will be required.

**§ 133-33 Retention of professional consultants.**

In the event the Planning Board deems it necessary, it may retain professional consultants to aid the Planning Board pursuant to §133-6.1 of these Regulations.

**§ 133-34 Minor Subdivision Application and Process**

- A. Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Minor Subdivision Plan. Failure to do so in that time frame may, at the reasonable discretion of the Planning Board, require resubmission of the Sketch Plan. The Planning Board shall review the Minor Subdivision Plan and shall determine whether it is a complete application for purposes of commencing Planning Board review and scheduling a public hearing.
- B. Details to be Provided. The Minor Subdivision Plat shall conform to the layout shown on the Sketch Plan and also incorporate any recommendations made by the Planning Board during the Sketch Plan review process. In addition, the minor subdivision application shall include:
  - 1. A field survey of the boundary lines of the parcel and all proposed parcels.
  - 2. A short environmental assessment form (SEAF) Part I.
  - 3. Soil percolation test results showing that there are locations on each proposed building lot where a septic system could be located.

4. The Planning Board may require identification of proposed locations for building envelopes on each lot, and the location of proposed driveway(s).
5. If required by New York State Department of Environmental Conservation (NYS DEC), a stormwater pollution prevention plan (SWPPP) pursuant to the most current version of the NYS DEC State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities.

C. The Planning Board will review the proposal with regard to compliance with State and Town laws, ordinances and regulations, whether the lot (or lots) is (are) buildable, and compatible with neighboring lands and environmental resources.

D. All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee and/or escrow deposit in accordance with the most recent Town of Olive Fee Schedule and in accordance with the provisions of § 133-6.1 of these Regulations.

E. The Planning Board shall comply with the provisions of SEQRA prior to approving a minor subdivision.

F. Public Hearing.

1. A public hearing shall be held by the Planning Board within sixty-two (62) days from the time the minor subdivision application is deemed complete. The period within which the Planning Board shall hold a public hearing on the minor subdivision plan shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA and New York State Town Law § 276. Said hearing shall be advertised in the official Town newspaper at least five (5) days before such hearing, or if the hearing is held jointly on an environmental impact statement, the notice shall be for fourteen (14) days. The Planning Board shall cause a written notice of such application and date of public hearing to be mailed to the owners of land as identified by the applicant in the agricultural data statement as may be submitted.
2. Consistent with the requirements of § 239-nn of the New York State General Municipal Law, the Planning Board shall give notice to an adjacent municipality when a hearing is held relating to a minor subdivision review on property that is within five hundred (500) feet of the adjacent municipality. Such notice shall be sent by mail or via electronic submission to the Town Clerk in the adjacent municipality at least ten days prior to the hearing.

G. Action on Minor Subdivision Plat

1. Within sixty-two (62) days from the close of the public hearing, or, within thirty (30) days after the adoption of findings on an environmental impact statement by the lead agency for SEQRA, whichever is longer, the Planning Board shall by resolution, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval of the minor subdivision, and authorize the signing of the Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board.

2. For conditional approvals, the Planning Board shall state in writing the requirements to be met before the subdivision plat can be signed.
3. In the event of disapproval, the Planning Board shall issue a written resolution which fully sets forth the reasons for disapproval and a copy of that resolution shall be provided promptly to the subdivider.
4. After approval of a subdivision by the Planning Board and the signing of the subdivision plat by the Planning Board Chairman, the subdivider may obtain building permits and begin building construction only after the subdivider has filed the signed final subdivision plat in the office of the Ulster County Clerk, and then provided the Town of Olive Town Clerk with a receipt from the Ulster County Clerk verifying proof of filing
5. Where review of subdivision(s) is required by other agencies, such approval shall be indicated on the Sketch Plan before the Planning Board can approve the subdivision plat and the Planning Board Chair can sign the approved plat.

#### **§ 133-35 Planning Board Waiver of Requirements**

Where the Planning Board finds that, due to the special circumstances of a particular proposed subdivision, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare of the community, or is inappropriate because of the unusual circumstances of the subdivision, it may waive such requirements pursuant to §133-4 of these regulations.

#### **§ 133-36 Planning Board approval by resolution.**

Once the requirements of this Article have been met by the subdivider, the Planning Board shall approve the minor subdivision plan by a written resolution and duly record this resolution and the vote thereon in the official minutes of the Planning Board. In addition, the Planning Board's approval shall also comply with the provisions applicable to approvals set forth in New York State Town Law § 276.

#### **§ 133-37 Signing of plan.**

After passage of an approval resolution by the Planning Board, Planning Board Chair, shall affix its official signature to the plat.

#### **§ 133-38 Filing of plan.**

- A. The Planning Board shall maintain a file of approved subdivision plans which shall be available for public view upon request.
- B. The subdivider may file a copy of the approved and signed subdivision plat with the Ulster County Clerk within sixty two (62) days from the date of final approval as required by Town Law § 276 or such approval shall expire..
- C. The Planning Board shall send copies of the approved subdivision plat to the Town Clerk and the Tax Assessor of the Town of Olive.

**§ 133-39 Aggrieved party.**

Any person aggrieved by the decision made by the Planning Board concerning such plat may have the decision reviewed by the New York State Supreme Court in the manner provided by Article 78 of the New York Civil Practice Law and Rules provided the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Town Clerk.

**Article VII**

**General Requirements and Design Standards for All Subdivisions**

- A. No building envelope shall be sited in areas subject to such hazards of life, health or property as may arise from fire, flood, or noise unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards. Such hazards may be identified using the Town's Comprehensive Plan, as it may exist or be amended from time to time, studies, historical records, expert opinions, or federal, state and other local policies.
- B. A subdivision shall not create any landlocked lots.
- C. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the subdivision is developed in a manner that is coordinated with nearby neighborhoods in terms of traffic movement, drainage, and other reasonable considerations.
- D. Any distribution line, service line and appurtenant facilities necessary to furnish permanent electric service to one (1) or more multiple occupancy buildings (including four [4] or more dwelling units) shall be installed underground.
- E. All subdivisions shall be designed to preserve natural features such as forested areas, water-courses, views, contiguous agricultural lands, agricultural soils, hedgerows, and historical features such as but not limited to stone walls which will add attractiveness and aesthetic value to the remainder of the land. Building envelopes shall be located on the plat to maximize preservation of existing vegetation, especially where it serves as a buffer and screen. Significant natural areas identified in official government records to contain rare or endangered plants and animals, as well as other features of natural significance identified by the Town's Comprehensive Plan, if one exists, or by the subdivider's existing resources and site analysis shall be preserved.
- F. All local, County, State, and federal wetland and floodplain regulations shall be met.
- G. The subdivision shall avoid adverse impacts to existing groundwater users and/or surface waters. The Planning Board may require information on and protection of wellheads and shall ensure adequate potable water exists to serve the proposed subdivision. Low Impact Development standards contained in Chapter 5 of the New York State Stormwater Manual shall be used to the maximum extent.
- H. No modification, clearing or earth disturbance (except for access for soil analysis for proposed sewage disposal systems and similar testing) shall be permitted on a site before the securing of preliminary subdivision approval from the Planning Board.

- I. Subdivisions and placement of building envelopes on lands containing agriculturally valuable lands (prime soils, soils of statewide importance, New York State certified Ulster County Agricultural District 4 lands, lands actively farmed/assessed as farmlands) shall be designed so as to leave the maximal amount of prime farmland undisturbed and contiguous so as to facilitate and promote existing and future farming.
- J. Subdivisions and placement of building envelopes shall be designed to minimize grading or disturbance on slopes exceeding fifteen percent (15%) grade. No driveways shall exceed a ten percent (10%) slope.
- K. Building envelopes and new lots should avoid placement of buildings in the middle of open fields and be placed, instead, at the edges of fields or wooded areas.
- L. Buildings should be sited so they do not protrude above treetops and crestlines of hills as seen from public places and roads. Vegetation should be used as a backdrop to reduce the prominence of structures. Wherever possible, views should be opened up by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.

## **Article VIII**

### **Enforcement**

#### **§ 133-40 Penalties for offenses.**

Any person who violates any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be subject to enforcement and punishment in accordance with the provisions of New York State Town Law § 268.

#### **V. Severability**

If any Article, subsection, paragraph, clause, or other provision of this Law shall be held invalid, the invalidity of such section, subsection, paragraph, clause or other provision shall not affect any of the other provisions of this Law.

#### **VI. Supersession**

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

#### **VII. Effective Date**

This law shall become effective upon filing with the New York State Department of State.