**Chapter 138**

**STREETS AND SIDEWALKS**

**GENERAL REFERENCES**

**Building construction – See Ch. 87.**

ARTICLE I

**Driveway Construction
[Adopted 5-2-1972]**

**§ 138-1. Standards for construction. [Amended 12-16-2009 by L.L. No. 4-2009]**

Before an impervious (hard surface) or gravel driveway to provide vehicular entrance into or exit from private property to a public highway or private street is constructed or improved, the owner shall conform to the following standards:

1. Beginning at the surfaced edge of the finished roadway, the driveway (hard-surfaced or gravel) shall drain away from the roadway toward the property at a minimum pitch of 3/4 inch per foot along the center line of the driveway to a point where the driveway center line intersects the plane of the center line of the water drainage ditch.
2. Where a driveway passes over a drainage ditch, the owner shall furnish and install a culvert of proper size and material to the satisfaction of the Town Highway Superintendent and/or Town Engineer in order that the unrestricted flow of water in drainage ditches shall be assured.
3. Where a gentle drainage exists on the outside of the shoulder from the roadway and does not violate the requirements of this article as to the grade and water drainage, the Town Highway Superintendent (on Town highways), or Planning Board (on private streets), may permit the developer or lot owner to install the finished driveway without a culvert, provided that the driveway finished surface is flush with the grade of the ditch.

**§ 138-2. Permit required; issuance; inspection of driveways. [Amended 12-16-2009 by L.L. No. 4-2009]**

Before any construction is permitted in the Town of Catskill, Greene County, New York, for a new driveway providing access to a Town highway, an access permit shall be obtained from the Town of Catskill Highway Superintendent and the Highway Superintendent and/or other official of the Town of Catskill shall be authorized to inspect said driveway access for construction adequacy during its construction. For driveways providing access to private streets, as provided for in this chapter, approval of driveway access locations and construction standards shall be obtained from the Town of Catskill Planning Board as part of the subdivision approval process pursuant to Chapter 140 of the Town Code. The Code Enforcement Officer, Town Engineer, and/or other official of the Town of Catskill shall be authorized to inspect said driveway access for consistency with the approved subdivision plat and for construction adequacy.

**§ 138-3. Penalties for offenses. [Added 5-4-1999 by L.L. No. 1-1999]**

Any person or persons who shall violate any provisions of this article shall be guilty of an offense punishable by a fine not exceeding $250 or imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate offense.

ARTICLE II

**Dedication of Streets[[1]](#footnote-1)
[Adopted 2-5-1991[[2]](#footnote-2)]**

**§ 138-4. Purpose.**

The Town Board of Catskill, New York, does hereby adopt the following regulations and procedures in an effort to create uniformity in the design and construction of all future streets and to ensure that said streets will be adequate to serve the needs of the residents of the Town and others in the future, as well as at present. All prior ordinances concerning the dedication of Town roads and streets are hereby repealed.

**§ 138-5. Title.**

This article shall be known and may be cited as the "Street or Highway Resolution of the Town of Catskill."

**§ 138-6. Word usage.**

1. Wherever used in this article, the word "street" shall also be construed to mean a thoroughfare or highway.
2. Wherever used in this article, words in the singular numbers include the plural and words in the plural numbers include the singular.
3. The word "shall" is mandatory and not directory. Words used in the present tense include the future.
4. All definitions found and included at Chapter 140 Subdivision of Lands shall apply to Chapter 138 as well.

**§ 138-7. Requirements for dedication.[[3]](#footnote-3) [Amended 5-4-1999 by L.L. No. 1-1999; 12-16-2009 by L.L. No. 4-2009]**

1. New streets shall be laid out so as to form a continuation of existing principal streets, where practical.
2. The minimum right-of-way widths of streets shall be 50 feet, and deeded to the Town of Catskill measured from lot line to lot line, and incorporating a typical roadway section consisting of 18 feet of pavement and three-foot shoulder widths on each side of the pavement. The widths shall be measured normal to lot lines on tangents and the radial lines on curves. However, more than 50 feet may be required where a cut or fill is used. The extra amount of right-of-way width necessary shall be given an easement to the Town of Catskill as recommended by the Superintendent of Highways and approved by the Town Board.
3. Each new street shall be marked by monuments of granite or concrete with a cross on top at block corners and other perimeter corners consistent with surveyors' professional practice. Said monuments are to be at least three inches square and four feet long, and are to be installed with two inches showing above the surface of the ground.
4. Cul-de-sacs.
	1. Through streets are preferred in the Town of Catskill. Pursuant to Chapter 140, Subdivision of Land, where the Planning Board determines that a through street cannot be constructed due to the physical constraints of the subdivision parcel and/or adjoining properties and where streets have been designed to have one end permanently closed, upon the recommendation of the Superintendent of Highways, a waiver may be issued in accordance with § 140-20 of the Town Code for the provision of a cul-de-sac street providing access to no more than 15 lots and having a maximum length of 800 feet and a minimum turnaround radius of 30 feet. All buildings on the cul-de-sac shall be set back a minimum of 95 feet from the center of the turnaround. The cul-de-sac shall otherwise be governed by all stated requirements of the Town's Minimum Road Specifications, set forth in Chapter 138, Appendix A, attached hereto.[[4]](#footnote-4)
	2. It may also be necessary, for those streets which provide the only method of entrance or egress to an area, for the developer to supply an easement for a street which shall be deemed an "emergency" thoroughfare, for times when the normal street cannot be used. Such an easement shall be recommended by the Superintendent of Highways and decided upon by the Town Board.
	3. A "T" or "Y" shaped turnaround may be approved for a cul-de-sac providing access for five or less lots where the Planning Board, upon recommendation from the Superintendent of Highways, has granted a waiver in accordance with the provisions of § 140-20 of the Town Code.
5. As far as practical, acute angles between streets at their intersection are to be avoided, and where a deflection angle of more than 10° in a street line occurs at any point between two intersecting streets, a curve of a reasonably long radius is to be introduced.
6. Grades of all roads shall conform to the general terrain and shall be no less than 1/2 of 1% nor more than 10% except in cases of unusual terrain or other features where the Planning Board, upon the recommendation of the Superintendent of Highways, has granted a waiver in accordance with the provisions of § 140-20 of the Town Code.
7. All streets shall have adequate drainage, including necessary inlet and outlet ditches. Reinforced concrete pipe, corrugated aluminum pipe (sixteen-gauge minimum), ADS N-12 HDPE (high-density polyethylene pipe) or PVC (SDR 26 or 35) shall be used for all culverts and surface drains. All drainage problems must either conform to or be corrected to the specifications of the Superintendent of Highways. Said materials used for the same must conform to standard usage adopted by the Superintendent of Highways. Drainage easements may be required by the Town of Catskill where necessary.
8. The roadway of such streets shall be filled to a minimum depth of 16 inches with material conforming to the requirements of NYSDOT Item 304.15 (Option D-Type 4). The material shall be placed in accordance with the requirements of Section 304-3.02 of the NYSDOT Standard Specifications of May 1, 2008, or any subsequent amendments thereto. All work must be approved by the Superintendent of Highways.
9. After the roadway meets the requirements in Subsection H, the developer or builder must then secure the approval of the Superintendent of Highways to motor pave said street. The street shall be motor paved in accordance with the requirements of Section 405-Cold Mix Bituminous Pavement (Open Graded) of the NYSDOT Standard Specifications of May 1, 2008; or paved with 1 1/2 inches of asphalt concrete binder course (Type 3, NYSDOT Item 403.138902) and one inch of asphalt concrete wearing course (Type 6, NYSDOT Item 403.178902). If motor paved, it shall be sealed one month after paving.
10. Landscaping, including fencing, on any proposed or existing street shall be set back 35 feet from the center of the street.
11. All driveways and private streets connecting with any Town streets shall have a culvert pipe of at least 12 inches installed at a point where the driveway or private street meets the Town street, said culvert to be installed under the supervision of the Superintendent of Highways, who has the discretion to require a larger-sized culvert when necessary. All streets dedicated to the Town must meet the requirements for connection to Town streets as stated herein or any other requirements for access or connection to any other public street or highway. This provision is to become effective for all private driveways and streets approved and built after the date of the adoption of this provision.
12. Guide rails may be required in accordance with common engineering standards at the time, such as those provided by the American Association of State Highway and Transportation Officials (AASHTO), upon the recommendation of the Superintendent of Highways.
13. An engineer licensed to practice in the State of New York must certify to the Town, in writing, that the street is in the center of said right-of-way and is built to the standards set forth in this chapter.
14. Streets to be constructed between November 15 and April 15 can only proceed with the permission of the Superintendent of Highways.
15. Any necessary engineering services required by the Town of Catskill to review said street construction must be paid by the developer or builder prior to the approval or acceptance by the Town of said street.
16. No ninety-degree curves shall be allowed on any new Town streets.
17. In addition to the foregoing, all streets shall comply with the Minimum Road Specifications set forth in Chapter 138, Appendix A, attached hereto.[[5]](#footnote-5)
18. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street shown on such subdivision plat.

**§ 138-8. Procedure for dedication.**

1. All applications for the dedication of streets shall be accompanied by a survey, prepared by a licensed surveyor, within one year from the date of application and in proper form for recording. Such survey is to be submitted in triplicate, and should show the profiles of each existing street and the proposed street, as well as the location of trees and shrubbery if required. The surveyor shall also certify, in writing, that the proposed road has been constructed in accordance with the survey and profile as submitted.
2. All applications shall be accompanied by a proposed warranty deed and any and all other necessary legal instruments to give clear and undisputed title to the Town, together with a thirty-year search of each parcel to be conveyed. All proposed deeds and titles shall be passed upon by the Town Attorney and his decision shall be final. In the event that any easement or rights-of-way are necessary to remove surface water or other material, in the opinion of the Superintendent of Highways, the applicant shall obtain such necessary legal documents as may be required. **[Amended 5-4-1999 by L.L. No. 1-1999]**
3. The Town Board shall not approve the installation or erecting of any specific improvements on any street not accepted in accordance with these provisions.
4. All applications wherein drainage or refuse problems exist as the result of the intersection of the proposed street and state, county or Town highways shall contain written permission from the New York State Department of Transportation, Greene County Superintendent of Highways or the Town Superintendent of Highways, as the case may be. **[Amended 5-4-1999 by L.L. No. 1-1999]**
5. All culverts installed pursuant to § 138-7K of this article shall be bonded to the Town in the amount of $250. Said money shall be refunded upon the approval of the completed project by the Town Superintendent of Highways. All work done by private individuals on Town highways will require insurance or an insurance bond in the same manner and form as those required for work on state and county roads. **[Amended 5-4-1999 by L.L. No. 1-1999]**

ARTICLE III
**Notification of Defects
[Adopted 10-6-1992 by L.L. No. 1-1992; amended in its entirety 9-19-2001 by L.L.
No. 7-2001]**

**§ 138-9. Short title; applicability.**

This article shall be known as the "Prior Written Notice of Defective Conditions of Town Property Local Law of the Town of Catskill."

**§ 138-10. Legislative declaration.**

Where claims for bodily injury or damage to property are asserted against the Town arising out of alleged defective conditions of property owned by or in the care, custody or control of the Town, adequate notice to the Town of any such conditions is of substantial importance to allow the Town the opportunity to investigate and correct such conditions, if found to exist. Whether the Town has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Town. To assure that the Town receives notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Town Board considers it to be important that such prior notice be in writing. It is the purpose of this article to require that notice of defective conditions of Town property be given to the Town by prior written notice actually received by the Town in order to provide for the safety, health, protection and general welfare of persons and property in the Town of Catskill.

**§ 138-11. Prior written notice required.**

No civil action shall be maintained against the Town, its officers or employees for personal injury, including death, or damage to property related to, caused by, resulting from or arising out of any highway, bridge, culvert, street, sidewalk or crosswalk owned by the Town or any highway, bridge, culvert, street, sidewalk or crosswalk in the care, custody and control of the Town being defective, out of repair, unsafe, dangerous or obstructed unless, prior to the occurrence of the injury or damage, the Town shall have been given actual written notice of the alleged conditions complained of and shall have failed or neglected within a reasonable time to repair or remove the condition. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe, within a reasonable time after the receipt of such notice.

**§ 138-12. Notice; contents.**

The notice required by this article shall contain the following:

1. The full name and address of the person giving notice.
2. The particular property of the Town and its location which is claimed to be defective, out of repair, unsafe, dangerous or obstructed.
3. The time such condition was first observed or made known to the person giving notice.
4. A statement of the particulars in which the property is defective, out of repair, unsafe, dangerous or obstructed.

**§ 138-13. Service of notice.**

1. The written notice provided for by this article shall be served by personal service within the Town of Catskill upon the Town Clerk and, in the case of highway property, upon the Town Superintendent of Highways. Service shall be made at their respective Town offices.
2. Service may also be made by mailing such notice by certified mail, return receipt requested, to the officials specified in this section at their respective Town office addresses.
3. The claimant shall have the burden of proving service of the notice in compliance with this section in any civil action maintained against the Town or any officer or employee thereof.

**§ 138-14. Record of notice.**

1. The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk within five days after the receipt thereof all written notices received by him or her pursuant to this article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.
2. The Town Clerk shall keep a record in a separate book of all written notices received pursuant to this section. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition or the location of accumulated snow or ice.

**§ 138-15. Severability; effect on existing requirements.**

1. If any section, paragraph, sentence, clause or provision of this article shall be adjudged to be invalid, such adjudication shall apply only to such portion expressly adjudged invalid, and the remainder thereof shall in all respects be valid and effective.
2. Nothing contained in this article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions. It is the purpose of this article to supplement the provision of any other statute, including but not limited to Town Law § 65-a and §§ 50-g and 50-f of the General Municipal Law. Further, this article shall supersede in its application to the Town of Catskill Subdivision 1 and 3 of § 65-a of the Town Law of the State of New York.

**§ 138-16. When effective.**

This article shall be effective immediately upon its filing in the office of the Secretary of State.

ARTICLE IV

**Private Streets**

**[Adopted 12-16-2009 by L.L. No. 4-2009]**

**§ 138-17. Purpose.**

The Town Board of Catskill, New York, does hereby adopt the following standards and procedures for the design and construction of all private streets approved pursuant to Chapter 140, Subdivision of Land, of the Town Code, and § 277 of the Town Law, to ensure that such streets be of sufficient width and suitable grade and suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings.

**§ 138-18. Minimum requirements for private streets.**

1. All private streets approved in accordance with § 140-18K of the Town Code shall additionally comply with the requirements of § 138-7 herein and Chapter 138, Appendix A, Minimum Road Specifications, with the exception of the minimum pavement specifications for dedicated streets set forth in § 138-7 and the Road Section Detail, Pavement Specification-Dedicated Streets, included in Chapter 138, Appendix A, Minimum Road Specifications.
2. In addition to the requirements of § 138-18A, all private streets shall comply with the minimum pavement specifications set forth in the Road Section Detail, Pavement Specification-Private Streets, included in Chapter 138, Appendix A, Minimum Road Specifications.
3. For purposes of this article, except as noted herein, all references in § 138-7 and Chapter 138, Appendix A, to the requirement for a recommendation or approval by the Superintendent of Highways shall instead require the recommendation or approval of the Town Engineer for private streets.
4. All streets intended as private streets shall contain an express note on the approved subdivision plat to the effect that no offer of dedication to the Town is made.
5. All private streets connecting with any public streets shall have a culvert pipe of at least 12 inches installed at a point where the private street meets the public street, said culvert to be installed under the supervision of the Superintendent of Highways, who has the discretion to require a larger-sized culvert when necessary. This provision is to become effective for all private driveways and streets built after the date of adoption of this provision.
6. Private streets may have a maximum grade of up to 10%, which may be increased in cases of unusual terrain or other features where the Planning Board, upon the recommendations of the Town Engineer, has granted a waiver in accordance with the provisions of § 140-20 of the Town Code.
7. Any road, street, or recorded or prescriptive right-of-way on or over private land which predates December 16, 2009 and which provides access to an existing residence or building or an approved subdivision shall not be required to comply with this section, except that any such road, street, or recorded or prescriptive right-of-way must be improved so as to allow emergency vehicle access before the issuance of a certificate of occupancy for any new construction requiring the use of said access. Additional lots which otherwise comply with all sections of the Catskill Town Code may be created to front on such pre-existing private road, street, or recorded or prescriptive right-of-way.

**§ 138-19. Responsibility for defects; civil actions. [Added 7-6-2010 by L.L. No. 3-2010]**

The Town of Catskill or Town Superintendent of Highways shall have no responsibility to improve, maintain or repair any private street, bridge, crosswalk or culvert. Moreover, no civil action shall be maintained against the Town, its officers or employees for damages or injuries to person or property sustained by reason of any private street or sidewalk being defective, out of repair, unsafe, dangerous or obstructed.

ARTICLE V

**Maintenance of Sidewalks**

**[Adopted 7-6-2010 by L.L. No. 3-2010]**

**§ 138-20. Intent.**

It is the intent and purpose of this article to protect the health, safety and welfare of pedestrians on sidewalks and streets and of motorists using streets within the Town by placing responsibility for the maintenance of sidewalks upon property owners and occupants of land containing or adjacent to sidewalks.

**§ 138-21. Time limit for removal of snow, ice and debris.**

The owners and/or occupants of any real property, whether vacant or improved by any structure, containing, abutting and/or bordering on paved sidewalks along public and private streets shall remove all ice, snow, debris and/or other obstructions or substances from the sidewalks in the Town or, in the case of ice which may be so frozen to same, shall thoroughly cover same with salt, sand or like material within 24 hours after the cessation of every fall of snow or the formation of any ice thereon and shall otherwise maintain such sidewalk in a safe and proper condition. In the event a homeowners' association is established pursuant to Ch. 140 of the Town Subdivision of Land Law to maintain common areas, including sidewalks, within approved subdivisions, then the responsibilities established by this article shall rest with such homeowners' association.

**§ 138-22. Deposit of snow and ice upon streets.**

No owner or occupant of any real property, whether vacant or improved by any structure, abutting and/or bordering on any street in the Town shall throw, place or deposit any snow or ice into or upon any such street.

**§ 138-23. Failure to act; notice to comply.**

1. The failure of an owner or occupant of any real property to remove snow and/or ice from paved sidewalks or the failure to cover ice thereon with salt, sand, or like material in accordance with this article within 12 hours after such owner or occupant shall have been served with a copy of a notice to comply with the provisions of this article shall constitute a violation as same is defined in § 10.00 of the Penal Law.
2. Service of a copy of the notice to comply in accordance with this article may be made by personal service or may be made by substituted service by leaving a copy of the same at the premises. Service of a copy of a notice to comply and an appearance ticket, pursuant to this article, shall be made by the Code Enforcement Officer and/or Assistant Code Enforcement Officer.

**§ 138-24. Penalties for offenses; removal by Town; assessment of cost as lien.**

1. Any person being found guilty of a violation of this article shall be subject to a fine not to exceed $250 or imprisonment not to exceed 15 days, or both.
2. In addition, upon the failure of an owner or occupant to comply with this article after having been duly served with a copy of a notice to comply in accordance herewith, the Superintendent of Highways shall cause the same to be done and shall charge such expense as hereinafter set forth:
	1. Upon the completion of the cleaning of snow and ice from sidewalks under the direction of the Superintendent of Highways, the premises in front of which such work shall have been done shall be subject to a charge to be fixed and determined by the Superintendent of Highways with the approval of the Town Board.
	2. During the month of May in each year, the Superintendent of Highways shall make a list of all such charges and file the same in his office and give public notice of such filing by publication in the official paper on two separate occasions that said list has been made and filed and that for 10 days from the date of the publication of said notice said list may be examined by any person interested therein and that upon a day and hour stated in such notice, and at least 10 days after the publication thereof, he will attend at his office to hear any objections to said list and pass upon all objections and, if need be, alter and correct said list.
	3. After said hearing and making the necessary corrections, if any, he shall attach thereto his certificate that such hearing has been had and that such list is now complete and shall file the same with the Receiver of Taxes, whereupon the Receiver of Taxes shall mail, to each owner of real property included in such list whose name and address he is able to ascertain, a statement of the amount of charges against the property.
	4. Upon the filing of said list with the Receiver of Taxes, the several sums mentioned in said list shall be deemed to be assessed against each of the properties as a lien, and the Receiver of Taxes shall, when extending the next general tax upon the Town assessment roll, place unpaid amounts thereon as against the property of the person named in said list, and such amounts shall be collected at the same time, in the same manner and by the same proceedings as other taxes on said roll. The failure to mail any statement or failure of the addressee to receive the same shall not in any manner affect the validity of the lien or the penalties imposed by law with respect thereto.

**§ 138-25. Separate offense for daily noncompliance.**

Each day after a person has been served with a copy of a notice to comply in accordance with this article and fails to comply with the provisions of this article shall constitute a separate offense.

**§ 138-26. Supersession of Highway Law.**

This article is hereby adopted pursuant to the provision of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to § 10 of the New York State Municipal Home Rule Law, to supersede the provisions of Article 7 of the New York State Highway Law, including but not exclusive of §§ 140 and 151 relating to the maintenance and repair of sidewalks constructed by the state, county, or Town and the charges therefor.

1. **Editor's Note: Regulations pertaining to road specifications are included in Appendix A, Minimum Road Specifications, included at the end of this chapter.** [↑](#footnote-ref-1)
2. **Editor's Note: The Town Board adopted Res. No. 65-93 on 9-7-1993, which provided as follows: WHEREAS, the Town of Catskill enacted a road dedication ordinance on February 25, 1991, and WHEREAS, there are certain roads which were constructed prior to the adoption of said ordinance, and WHEREAS, the time of construction of such roads, such roads did meet the then existing specifications, and WHEREAS, the Town Board of the Town of Catskill believes that it is in the best interest of the residents of the town that provide roads completed prior to the enactment of the road dedication ordinance on February 21, 1991, be eligible to be accepted as town roads upon compliance with the then existing specifications for dedication of streets and roadways to the Town of Catskill. WE THEREFORE RESOLVE, to adopt an ordinance known as the Town of Catskill Road Dedication Ordinance, a copy of which is attached hereto and made a part hereof.** [↑](#footnote-ref-2)
3. **Former § 138-7, Minimum number of lots, was repealed 12-16-2009 by L.L. No. 4-2009. This local law also provided for the redesignation of former §§ 138-8 through 138-17 as §§ 138-7 through 138-16, respectively.** [↑](#footnote-ref-3)
4. **Editor's Note: Appendix A is included at the end of this chapter.** [↑](#footnote-ref-4)
5. **Editor's Note: Appendix A is included at the end of this chapter.** [↑](#footnote-ref-5)