**Chapter 140**

**SUBDIVISION OF LAND**

**GENERAL REFERENCES**

**Planning Board — See Ch. 49. Sewers — See Ch. 132.**

**Building code administration — See Ch. 87. Streets and sidewalks — See Ch. 138.**

**Flood damage prevention — See Ch. 103. Zoning — See Ch. 160.
Individual sewage disposal systems — See Ch. 131.**

**§ 140-1. Title.**

This chapter shall be known as the "Town of Catskill Subdivision Regulations."

**§ 140-2. Purposes.**

This Catskill Town Board hereby finds that this chapter is adopted for the following purposes:

1. Promoting the orderly growth and development of the Town.
2. Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of Town residents.
3. Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.
4. Conserving the Town's natural resources and protecting its attractive environment so as to maintain property values and otherwise provide for the general welfare of residents of the Town of Catskill.
5. To facilitate and implement the Town Comprehensive Plan.

**§ 140-3. Authority.**

By the authority of the resolution of the Town Board of the Town of Catskill adopted on January 17, 2007, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Catskill is authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, and to approve the development of entirely or partially undeveloped plats already filed in the Office of the Clerk of Greene County within that part of the Town of Catskill outside the limits of any incorporated city or village.

**§ 140-4. Compliance required.**

1. Regardless of whether or not any formal conveyance by metes and bounds shall be made, when any subdivision is proposed and before any offer is made to sell any part or all of a subdivision and before any permit for the erection of any structure in such subdivision shall be issued or any grading, clearing, construction or other improvements shall be undertaken, the subdivider or his authorized agent shall first obtain the appropriate approval of the proposed subdivision in accordance with the requirements of this chapter.
2. It shall further be the obligation of each prospective purchaser or developer of a lot which forms any part of a subdivision to ensure that appropriate subdivision approval has been obtained. In the absence of such subdivision approval, a prospective purchaser shall not commence the erection of any structure on such lot, nor commence any grading, clearing, construction or other improvements.
3. After the effective date of this chapter, no building permit or certificate of occupancy shall be issued for any construction, structure or development except in conformance herewith.
4. No construction, alteration, removal, demolition, excavation, enlargement or use shall be commenced except in conformance herewith.
5. The regulations of this chapter shall not apply to lot improvements as defined herein (see § 140-16). The Planning Board shall be authorized, where requested and for legal recording purposes, to indicate in writing on any qualifying plat presented that "These plans are acknowledged by the Town of Catskill, and for recording purposes only, to represent an exempt lot improvement in accordance with § 140-16 of the Town of Catskill Subdivision Regulations. No subdivision approval is required or given." No plat so submitted, however, shall indicate that a subdivision is being created or approved through action of the Planning Board. **[Amended 2-17-2021 by L.L. No. 1-2021]**
6. Applications for a subdivision or lot improvements will not be approved if a violation of Town Code and State Building Code exists at the parcel which is the subject of the proposed application or real property taxes are delinquent regarding said parcel.
7. The Town Board may from time to time, by resolution, establish fees for activities that are regulated by the State Building Code and Town of Catskill Code. All unpaid fees shall be relevied on the next town bill against the subject parcel.

**§ 140-5. Construal of provisions; interference with other legislation; severability.**

1. The provisions of this chapter, in their interpretation, application and enforcement, shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. This chapter is not intended to interfere with, abrogate, or annul any other law, rule or regulation, statute or provision of law. Where any of the provisions of these regulations impose restrictions different from any other law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
3. If any part or provision of these regulations is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.

**§ 140-6. Penalties for offenses.**

1. Any person who shall lay out, construct or open any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings located or abutting thereon, or who sells, transfers, rents, leases, conveys by other means, or agrees or enters into an agreement to do the same with any land in a subdivision, unless and until a final plat has been prepared, approved and recorded in full compliance with the provisions of this chapter, shall be deemed to have committed a violation of this chapter and shall be liable for such violation.
2. Any person found in violation of this chapter shall be subject to a fine not exceeding $350 per lot, parcel or dwelling. All fines collected for such violations shall be paid to the Town of Catskill.
3. Each day that a violation continues shall be a separate violation, but nothing herein shall require the Town to post separate notice each day that a violation continues.
4. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
5. In addition to the penalties provided above, the Town shall be authorized to initiate and maintain a civil action to obtain an injunction against subdividers who attempt the improper sale, lease, or conveyance of land or to set aside and invalidate any conveyance of land made prior to Town approval.

**§ 140-7. Amendments.**

Amendments to this chapter shall be made pursuant to the New York State Municipal Home Rule Law and § 261 of the Town Law. Also, should provisions of the New York State Town Law be amended to require actions different from those specified herein, the state requirements shall prevail.

**§ 140-8. Word usage.**

1. As used in this chapter, words in the singular include the plural, and those in the plural include the singular. The words "shall" and "will," for the purpose of this chapter, are defined as mandatory.
2. For the purpose of this chapter, the following terms shall be considered interchangeable:
	1. The words "regulation(s)" and "law."
	2. The terms "Town" and "Town of Catskill."
	3. The terms "subdivider" and "developer" and the terms "subdivision" and "development."
	4. The terms "State Environmental Quality Review Act" and "SEQRA."
3. Unless otherwise expressly stated, the following definitions shall, for the purpose of this chapter, have the meanings herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

**§ 140-9. Definitions.**

The following is a list of specific terms found elsewhere in the chapter, along with definitions of their intended meaning:

AGRICULTURAL DISTRICT – Land used in agricultural production with designated boundaries that has been established as an Agricultural District pursuant to Article 25-AA of the State Agriculture and Markets Law.

ALLEY – A permanent serviceway providing a secondary means of access to abutting lands.

ALL-WEATHER SURFACED – The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test, but the depth and installation of the material shall be subject to the approval of Town Highway Superintendent.

APPLICANT – A landowner, developer or subdivider, as hereinafter defined, who has filed an application for subdivision plat approval, including heirs, successors and assigns.

BERM OR SHOULDER – That portion of a street between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

BLOCK – A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Town, or by any combination of the above.

BUILDING – Any combination of materials forming any construction, except where entirely underground so as to permit the use of the ground above the same as if no building were present; the term "building" shall include the term "structure."

CENTRAL SEWAGE DISPOSAL OR WATER SUPPLY – A sewage system or water supply system designed to serve more than one dwelling unit or building, not including the use of a single well or disposal system for two dwellings on the same parcel of land. See "on-site sewage or water supply."

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water, within a subdivision, which parcel or parcels have been designed and intended for the use or enjoyment of residents of the development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the subdivision and identified as such by the subdivider on any plat offered to the Town for approval. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

CONSERVATION SUBDIVISION – A form of development for one-family-dwelling residential subdivisions that permits a reduction in lot area and other development standards, provided that there is no increase in the number of lots permitted under a conventional subdivision, given the specific site conditions, and no less than 50% of the total land area is devoted to permanent common open space.

COUNTY – The County of Greene, State of New York, and its planning agency.

CUL-DE-SAC – A minor street providing a single access to a group of lots with a turnabout area at the end of such street.

DEC – The New York State Department of Environmental Conservation.

DEIS – A draft environmental impact statement as required by the New York State Environmental Quality Review Act, or SEQRA.

DEVELOPER – The property owner, or authorized agent of the property owner, including but not limited to any individual, partnership or corporation who undertakes a subdivision or any of the activities covered by this chapter, particularly the preparation of the subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" and "applicant," even though the personnel involved in successive stages of such project may vary.**[Amended 12-16-2009 by L.L. No. 3-2009]**

DOUBLE FRONTAGE LOT – A lot which is not a corner lot and abuts two or more streets, with possible vehicle access to both streets.

DRIVEWAY – A defined private access from an individual single lot to a public or approved private street and meeting the minimum standards of Chapter 138, Article I.**[Amended 12-16-2009 by L.L. No. 3-2009]**

DWELLING – A building designed or used principally as the living quarters for one or more families. The term "dwelling" shall not be deemed to include "hotel, " "motel, " "rooming house" or "tourist home."

1. DWELLING, ONE-FAMILY – A dwelling designed for or occupied exclusively by one family.
2. DWELLING, TWO-FAMILY – A dwelling designed for or occupied by two families living independently of each other.
3. DWELLING, MULTIFAMILY – A dwelling or group of dwellings on one plot containing separate living units for three or more families living independently of each other, including apartment houses, apartment hotels, town homes, flats and garden apartments.

EAF – An environmental assessment form as required by the New York State Environmental Quality Review Act, or SEQRA.

EASEMENT – A recorded right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose and within which the lessee or owner of the encumbered property shall not erect any permanent structure but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.**[Amended 12-16-2009 by L.L. No. 3-2009]**

EIS – An environmental impact statement as required by the New York State Environmental Quality Review Act, or SEQRA.

ENGINEER, TOWN (ENGINEER FOR THE TOWN) – A professional engineer licensed as such by the State of New York and appointed or hired on a consulting basis to provide engineering advice to the Town.

FEIS – A final environmental impact statement as required by the New York State Environmental Quality Review Act, or SEQRA.

FLAG LOT – A lot located at the rear of another lot and where access from the rear lot to the public or approved private street is by a narrow strip of land at least 20 feet wide. Flag lots are also known as "rear lots."**[Added 12-16-2009 by L.L. No. 3-2009]**

FLAG LOT ACCESS – The narrow strip of land, generally uniform in width, that provides the flag lot with access to a public or approved private street and is sometimes referred to as the "flag pole."**[Added 12-16-2009 by L.L. No. 3-2009]**

FRONTAGE – The measurement of a lot along the street line contiguous to the street right-of-way contained in the ownership of said lot. The side of the lot designated as street frontage shall also be that area of the street in which physical access is provided to the proposed building.

HOA or HOMEOWNERS' ASSOCIATION – An incorporated organization formed under the laws of New York State and responsible for ownership, operation and maintenance of all common property and improvements within an approved subdivision, including, but not limited to, private roads, drainage, and open space.**[Added 12-16-2009 by L.L. No. 3-2009]**

LOT – A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings pursuant to Chapter 160, and which has frontage on a public or approved private street which provides access thereto, or in the case of a minor subdivision, on a driveway if otherwise in compliance with Section 140-18(12)(i). **[Amended 12-16-2009 by L.L. No. 3-2009]**

1. LOT AREA – The area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.
2. LOT FRONTAGE – That portion of a lot extending along a street line. Also means "road frontage."
3. LOT IMPROVEMENT – A division or redivision of land wherein lot area is
shifted from one parcel to another so as to improve the shape or dimension of each. See § 140-16.
4. LOT WIDTH – The average distance between side lot lines taken at the front yard or building line and measured at rights angles to the side lot lines along and parallel to the street.

MAJOR SUBDIVISION – Any subdivision or land development which is not a minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.

MINOR SUBDIVISION – A subdivision or land development containing not more than four lots, or a cumulative development on a lot-by-lot basis for a total of not more than four lots, of any original tract of land of record (i.e., not previously subdivided or developed subsequent to the effective date of this chapter, by the owner or the owner's duly appointed agent) where no new streets or accesses are required. Notwithstanding this, the Planning Board may, however, by waiver, classify any subdivision as minor which does not involve new improvements.

NEGATIVE DECLARATION – A determination under SEQRA that the proposed action has no potential to result in a significant adverse environmental impact and that the preparation of an EIS is not required.

OFFICIAL MAP, TOWN – A map that may be established by the Town Board under § 270 of the Town Law, showing streets, highways, parks, and/or drainage improvements laid out, adopted and established by law.**[Added 12-16-2009 by L.L. No. 3-2009]**

ON-SITE SEWAGE OR WATER SUPPLY – Any sewage system designed to treat sewage by subsurface means or to provide water from a drilled well or spring, within the boundaries of an individual lot. See "central sewage disposal or water supply" for further information.

PARCEL – An area of land resulting from the subdivision of a tract of land for the purposes of transfer of ownership, use or improvement.

PAVEMENT – Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of Chapter 138[[1]](#footnote-1) of the Town of Catskill Code.

PERFORMANCE ASSURANCE OR COMPLETION GUARANTEE – A surety bond, certified check or other security meeting the requirements of § 277 of the Town Law, and the terms of which are satisfactory to the Town Board and the Town Attorney, guaranteeing the subdivider will install all required or planned improvements.

PERSON – Any individual, trust, partnership, public or private association or corporation, or other entity.

PLANNING BOARD – The Planning Board of the Town of Catskill, as established by Chapter 49[[2]](#footnote-2) of the Town Code.

PLAT – A drawing, map, chart, plan or plotting indicating the subdivision or resubdivision of land, which in its various stages of preparation can include the following:

1. SKETCH PLAN – A general plan, identified as such with the title "sketch plan" on the map, indicating existing site features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for conceptual consideration by the Town Planning Board or, in the case of conservation subdivisions, determining allowable density.
2. PRELIMINARY PLAT – A complete plan prepared by a registered professional engineer or surveyor, identified as such with the wording "preliminary plat" in the title, accurately showing proposed streets and lot layout and such other information as required by this chapter.
3. FINAL PLAT – A complete and exact plan, identified as such with the wording "final plat" in the title, with a professional engineer's or surveyor's seal affixed, and prepared for official recording with modifications as required during the review and approval of the preliminary plat.

ROAD MAINTENANCE AGREEMENT – A recorded agreement (and/or easement) to establish the rights and duties of lot owner(s) with respect to the maintenance of a private street or shared driveway. **[Added 12-16-2009 by L.L. No. 3-2009]**

SECRETARY – The clerk or secretary designated to accept applications, plats, fees and correspondence on behalf of the Town of Catskill Planning Board.

SEQRA – The State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617.

SHARED DRIVEWAY – A driveway providing access to up to three lots, provided that each lot served by the shared driveway has 50 feet of frontage on a public or private road or is otherwise in compliance with Section 140-18(12)(i).**[Added 12-16-2009 by L.L. No. 3-2009]**

STREET – A highway or road providing access for four or more lots intended primarily for the purposes of vehicular traffic, including the following:

1. STREET, MINOR – A road, the primary purpose of which is to collect vehicular traffic from individual dwellings or places of business.
2. STREET, COLLECTOR – A road, the primary purpose of which is to collect vehicular traffic from minor streets and deliver it to major traffic streets.
3. STREET, MAJOR – A road, the primary purpose of which is to collect vehicular traffic from collector streets and deliver it to destination points or arterial highways.

STREET, PRIVATE – A street providing access to four or more lots and no more than 30 lots on an approved subdivision plat that expressly notes that such street is not offered for dedication to the Town. **[Added 12-16-2009 by L.L. No. 3-2009]**

STREET, PUBLIC – A street dedicated to public use, including Town, county and state roads and highways. **[Added 12-16-2009 by L.L. No. 3-2009]**

SUBDIVIDER – Same as "developer."

SUBDIVISION – A lot, tract or parcel of land that has been divided or redivided by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

SURVEYOR – A land surveyor licensed by the State of New York.

TOWN – Town of Catskill, Greene County, New York.

TOWN ATTORNEY (ATTORNEY FOR THE TOWN) – The attorney appointed by the Town Board to represent the Town of Catskill in any given matter.

TOWN BOARD – Governing council for the Town of Catskill.

TOWN LAW – The New York State Town Law which governs the operation of all towns within the state.

TOWN ROAD SPECIFICATIONS – The standards of the Town of Catskill pertaining to the approval of streets by the Town Highway Superintendent and the acceptance of such streets for formal dedication to the Town by the Town Board, pursuant to Chapter 138.**[Amended 12-16-2009 by L.L. No. 3-2009]**

UNDERGROUND UTILITIES – Electric, telephone, cable and other customary utilities constructed or placed in underground vaults or trenches so as not to be visible.

WATERCOURSE – A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations, including intermittent streams but excepting drainage ditches, swales or diversion terraces.

WETLAND – Any land that lies within the jurisdiction of the New York State Department of Environmental Conservation pursuant to Article 24, the Freshwater Wetland Act, and/or within the jurisdiction of the United States Army Corps of Engineers and/or other federal agencies pursuant to § 404 of the Clean Water Act.

**§ 140-10. Procedures and requirements for minor subdivisions.**

The following procedures and requirements shall apply to minor subdivisions only (see § 140-10, Definitions). All other subdivisions and resubdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.

1. Application. Any person proposing to create a minor subdivision shall submit, along with plans required below, nine copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/ or be accompanied by:
2. The name, address and telephone number of the property owner of record and those of the subdivider, if different.
3. The name or number of the street where the proposed subdivision is to be located.
4. The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
5. The type of water supply proposed.
6. The type of sewer system proposed.
7. The required fee or receipt for the same from the Secretary of the Planning Board.
8. A completed EAF as required by SEQRA.
9. Identification of names and addresses of all adjoining property owners on minor subdivision maps, which includes those on the other side of a road or highway from the lands being subdivided..
10. The subdivider shall submit nine copies of a final plat and required supplementary data for the proposed subdivision. This plat shall be prepared by a professional engineer or surveyor, with a professional engineer or surveyor's seal affixed, and shall show all the lots proposed to be created. The final plat shall meet the following requirements:
11. The plat shall be not less than 8 1/2 inches by 11 inches nor more than 24 inches by 36 inches in size.
12. The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
13. The plat shall show the name of the municipality, name of the owner of record, North point, graphic scale, and date.
14. Soil types found on the site shall be shown unless the lots involved contain existing sewage systems. Soil Conservation Service classifications shall be used.
15. Existing streets shall be identified by name or route numbers and private roads by their posted names.
16. Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres or square feet. The plat shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider and show adjacent lots already taken from the parcel.
17. Authorized consent of the property owner, where the developer is not the current owner of the property to be subdivided, in a form acceptable to the Planning Board. **[Added 12-16-2009 by L.L. No. 3-2009]**
18. Authorized consent of the property owner or developer granting access to the property to be subdivided for the Planning Board and its consultants to facilitate review of the application, in a form acceptable to the Planning Board. **[Added 12-16-2009 by L.L. No. 3-2009]**
19. A copy of deed is required for all subdivision, site plan, variance, lot improvements and special use permit applications.
20. Receipt of a complete final plat. A final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the DEIS has been filed in accordance with the provisions of SEQRA. Time periods for review of a final plat shall begin to run upon filing of such negative declaration or such notice of completion.
21. Soil tests. Documentation as may be required by the New York State Department of Health, including a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal, shall be submitted.
22. Private street and driveway access permits. A completed application to the Town of Catskill Highway Superintendent, the State Department of Transportation or Greene County Highway Department, as the case may be, for a permit for access to a public street or highway by a private street or driveway shall be required. **[Amended 12-16-2009 by L.L. No. 3-2009]**
23. Improvements and common areas. Written offers of dedication to the Town of all public easements, utilities, streets, rights-of-way and open spaces shown on the plat and copies of agreements or other documents showing the manner in which such areas or improvements, title of which is reserved by the subdivider, are to be maintained shall be required, including homeowners' association and/or road maintenance agreements/easements, as applicable. **[Amended 12-16-2009 by L.L. No. 3-2009]**
24. For any lot created by subdivision for which access to potable water and ability to dispose of sewage is not demonstrated, the subdivision map shall indicate for said lot NO BUILDINGS SHALL BE CONSTRUCTED ON THIS LOT.
25. Action on final plat.
26. Planning Board as lead agency under SEQRA; public hearing; notice; decision.
27. Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA, as follows:
28. If the Planning Board determines that the preparation of an EIS is not required, the public hearing on the final plat shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board; or
29. If the Planning Board determines that an EIS is required and a public hearing on the DEIS is held, the public hearing on the final plat and the DEIS shall be held jointly within 62 days after the filing of the notice of completion of such DEIS in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.
30. Public hearing: notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 500 feet, of the property which is the subject of the application. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**
31. Decision. The Planning Board shall make its decision on the final plat as follows:
32. If the Planning Board determines that the preparation of an EIS on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days after the date of the public hearing; or
33. If such Board determines that an EIS is required and a public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the FEIS, the Planning Board shall issue findings on such FEIS and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.
34. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
35. Planning Board not as lead agency under SEQRA; public hearing; notice; decision.
36. Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the DEIS. Failing such agreement or if no public hearing is held on the DEIS, the Planning Board shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by Clerk of the Planning Board.
37. Public hearing: notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 300 feet, of the property which is the subject of the application. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**
38. Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:
39. If the preparation of an EIS on the final plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.
40. If an EIS is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
41. Certification, filing and signing of final plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval, and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk. A copy of the resolution shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by a duly authorized officer of the Planning Board and filed with the Secretary.
42. Time limits on conditional approvals. A conditional approval of a final plat shall expire within 180 days unless all conditions are satisfied and certified as completed. This period may be extended for periods of 90 days where particular circumstances so warrant in the judgment of the Planning Board.
43. Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by the Planning Board, the subdivider shall be entitled to an approval by default pursuant to § 276 of the Town Law.
44. Recording of final plats. All final plats shall be filed by the applicant in the Office of the County Clerk within 62 days of approval, subject to the provisions of § 276 of the Town Law.

**§ 140-11. Procedures for major subdivisions.**

Major subdivision plat submissions shall be subject to SEQRA review and be processed as follows:

1. Sketch plan required. Submission of a sketch plan as provided in § 140-13 shall be required as part of the preliminary plat approval process for all major subdivisions. This plan shall be used to determine the number of lots permitted, to determine whether the subdivision will involve other agencies, and to make a preliminary classification of the subdivision as a Type I or unlisted SEQRA action for determining whether a full EAF and coordinated review is necessary. The Planning Board shall also use the sketch plan for purposes of determining lead agency status, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District. Planning Board will vote on whether or not to accept a sketch plan as complete.
2. Preliminary plat required. A complete preliminary plat accurately showing proposed streets and lot layout and such other information as is required by this chapter must be submitted to the Planning Board. A preliminary plat is not complete unless a negative declaration has been filed or a notice of completion of a DEIS has been filed, pursuant to § 276 of the Town Law.
3. When a coordinated review is conducted, the Planning Board must notify all involved agencies that a lead agency must be agreed upon within 30 days.
4. Action on preliminary plat.
	1. Planning Board as lead agency under SEQRA; public hearing; notice; decision.
		1. Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
5. If the Planning Board determines that the preparation of an EIS on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning Board; or
6. If such Board determines that an EIS is required, and a public hearing on the DEIS is held, the public hearing on the preliminary plat and the DEIS shall be held jointly within 62 days after the filing of the notice of completion of such DEIS in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.
7. Public hearing: notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 300 feet, of the property which is the subject of the application. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**
8. Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:
9. If the Planning Board determines that the preparation of an EIS on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing; or
10. If the Planning Board determines that an EIS is required, and a public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such FEIS, the Planning Board shall issue findings on the FEIS and make its decision on the preliminary plat.
	1. Planning Board not as lead agency under SEQRA; public hearing; notice; decision.
		1. Public hearing on the preliminary plat. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the DEIS. Failing such agreement or if no public hearing is held on the DEIS, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning Board.
		2. Public hearing: notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 300 feet, of the property which is the subject of the application. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**
		3. Decision. The Planning Board shall by resolution approve, with or without modification, or disapprove the preliminary plat as follows:
11. If the preparation of an EIS on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the preliminary plat.
12. If an EIS is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
13. Grounds for action. The grounds for modification, if any, or the grounds for disapproval of the preliminary plat must be stated in the records of the Planning Board. If the Planning Board approves a preliminary plat, the Planning Board must state in writing any modifications that it requires for submission of the final plat.
14. Preliminary plat certification. Within five business days of the Planning Board's adoption of a resolution approving a preliminary plat, such plat shall be certified by the Secretary as having been granted preliminary plat approval, and a copy of the plat and resolution shall be filed in the Secretary's office and filed in the Office of the Town Clerk. A copy of the resolution shall be provided to the subdivider. If the Planning Board adopts a resolution disapproving a preliminary plat, this resolution and a copy of the preliminary plat must be filed in the same manner as a resolution approving a preliminary plat.
15. Time to submit final plat. The subdivider must submit a final plat, as provided in §§ 140-14 and 140-15, within six months of the Planning Board's approval of the preliminary plat. If the final plat is in substantial agreement with the preliminary plat, the Planning Board must by resolution conditionally approve, with or without modification, disapprove, or grant final approval of the plat within 62 days of its receipt by the Secretary. The Planning Board may revoke preliminary plat approval if a final plat is not submitted within six months or grant a limited extension of its preliminary plat approval for a time period not to exceed six months.
16. Lack of agreement with preliminary plat. When the final plat is not in substantial agreement with the preliminary plat, the final plat is reviewed as a new sketch plan and is subject to all procedural requirements for preliminary plat approval, including the issuance of a new SEQRA determination.
17. Certification, filing and signing of final plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk. A copy of the resolution shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by a duly authorized officer of the Planning Board and filed with the Secretary. **[Amended 12-16-2009 by L.L. No. 3-2009]**
18. Final plats by section. The Planning Board may permit any subdivision for which preliminary plat approval has been granted to be submitted in sections for final plat approval.
19. Time limits on conditional approvals. A conditional approval of a final plat shall expire within 180 days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of 90 days each where particular circumstances so warrant in the judgment of the Planning Board.
20. Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by the Planning Board, the subdivider shall be entitled to an approval by default pursuant to the Town Law.
21. Recording of final plats. All final plats shall be filed by the applicant in the Office of the County Clerk within 62 days of final approval, subject to the provisions of § 276 of the Town Law.
22. Reservations of parkland on major subdivision plats containing residential units.
23. Before the planning board may approve a major subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes. Said parks shall constitute a percentage of the overall subdivision to be determined by the town board.
24. Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute.
25. Said parkland shall be owned by the applicant or homeowner’s association, to be utilized by the residents of the subdivision and their guests, unless the town, at its sole discretion, accepts said parkland for town ownership, and then said parkland shall be utilized by the public at the discretion of the town board.
26. In the event the planning board makes a finding pursuant to paragraph (2) of this subdivision that the proposed subdivision plat presents a proper case for requiring that a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the planning board may require a sum of money in lieu thereof, in an amount to be established by the town board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the planning board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of the property.
27. Fees required pursuant to paragraph (4) of this subdivision shall be paid as a condition of approval for any preliminary plat.

**§ 140-12. Sketch plans for major subdivisions.**

The sketch plan shall be at a scale sufficient to show the entire tract on one sheet, and shall show or include the following:

1. The location of that portion which is to be subdivided in relation to the entire tract.
2. An existing and natural site features analysis which depicts all structures, wooded areas, streams, natural features, stone walls, wetlands, outstanding views and other aspects of the property around which a subdivision plan should be designed.
3. The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records., which includes those on the other side of a road or highway from the lands being subdivided.
4. All streets, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
5. The tentative layout of the remainder of the tract owned by the subdivider.
6. North point, graphic scale, date and name/address of the subdivider and the landowner.
7. A location map with sufficient information to enable the locating of the property.
8. Proposed open spaces.

**§ 140-13. Preliminary plat requirements for major subdivisions.**

1. The preliminary plat shall be clearly and legibly drawn and shall be not less than 11 inches by 17 inches nor more than 24 inches by 36 inches in size and should, when possible, show the entire tract to be divided.
2. The plat shall be based on the concepts presented in the sketch plan and contain the following information:
3. Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within Greene County. The name and address of landowner and subdivider shall also be provided.
4. Location by Town, county and state. The plan shall also include Tax Map numbers for affected and adjacent parcels and a location map at one inch equals 2,000 feet.
5. North point, date and graphic scale.
6. Boundaries of the total tract and acreage contained within it. (Also see § 140-15G.)
7. Locations and, where appropriate, dimensions of parks and public grounds, permanent buildings in or adjacent to the subdivision, open space easements and other significant existing site features.
8. Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other utilities above or below the ground, with direction of flow and pressure.
9. Names of owners of abutting properties, and lines showing where these abutting properties intersect.
10. Existing contours at intervals of at least every 20 feet. USGS maps are acceptable. The Town reserves the right to request greater detail as the scope or nature of the development requires.
11. Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names, which shall not duplicate existing names, by spelling or pronunciation, in the County. The street proposals shall be accompanied by a submission of plans demonstrating consistency with the minimum road specifications of Chapter 138 of the Town Code.
12. The proposed layout, numbering and approximate dimensions and acreage of legal lots, which comply with the zoning requirements of Chapter 160 of the Town Code.
13. The proposed location and footprint of buildings within each legal lot.
14. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents shall be shown and marked as such.
15. Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
16. All drainage easements shall be shown and marked as such.
17. Approximate final grades in areas of cut or fill shall be shown.
18. Any lots designated for uses other than residential shall be indicated.
19. Proposed covenants and restrictions.
20. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water sources. This evidence may be in the form of recording logs made by professional well drillers for existing wells.
21. Letters from each utility servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
22. An erosion and sedimentation control plan indicating those measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of watercourses or impoundments.
23. A stormwater management plan prepared in accord with the requirements hereof and DEC guidelines and standards.
24. Documentation as may be required by the New York State Department of Health or the Planning Board, including a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
25. Documentation of any state and/or federal wetlands located on or adjacent to the property.
26. All applicable zoning data.
27. Completed applications to the Town of Catskill Highway Superintendent, the State Department of Transportation or Greene County Highway Department, as the case may be, for permits to access public streets or highways by a private street or driveway. **[Amended 12-16-2009 by L.L. No. 3-2009]**
28. Detailed landscaping plans for such common areas or improvements as may require new landscaping.
29. Written offers of dedication to the Town of all public easements, utilities, streets, rights-of-way and open spaces shown on the plat and copies of agreements or other documents showing the manner in which such areas or improvements, title of which is reserved by the subdivider, are to be maintained shall be required, including homeowners' association and/or road maintenance agreements/easements, as applicable. **[Added 12-16-2009 by L.L. No. 3-2009]**
30. A copy of deed is required for all subdivision, site plan, variance, lot line and special use permit applications.

**§ 140-14. Final plat requirements for major subdivisions.**

The final plat shall be prepared on one or more sheets of a uniform size coinciding with the requirements of the Greene County Clerk. Final plat attachments and exhibits shall be numbered and labeled in accordance with the requirements of this section and a subdivision checklist to be developed by the Town. The final plat shall include, in addition to the information required for the preliminary plat submission, the following:

1. Exact locations, widths and names of all streets and all crosswalks within the subdivision.
2. Complete street curve data for all street curves included in the plat.
3. Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
4. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon, including all open space, conservation or drainage easements.
5. Front building lines, shown graphically with dimensions.
6. All restrictions and covenants that will be placed in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
7. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plat sections) are not required to be based upon a field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify the placement of the monuments.
8. The final plat shall contain a certificate signed by the professional engineer indicating that all improvements have either been installed and approved by the proper officials or agencies or that a performance assurance or completion guarantee in an amount satisfactory to the Town Board and the Town Attorney sufficient to ensure their installation has been submitted to the Town.
9. Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless on-site sewage disposal systems are to be used.
10. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
11. Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
12. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2,000 feet to one inch, showing the relation of the property to adjoining property and to all streets and municipal boundaries existing within 4,000 feet or any part of the property proposed to be subdivided. USGS quadrangle maps may be used as a base for such a key map.
13. Blank approval blocks for the Town Planning Board stamp and signatures shall appear on every sheet of the set of plans.
14. A statement that erosion and sedimentation and stormwater management plans, as required, have been prepared and approved by the DEC and the Greene County Soil and Water Conservation District.
15. Copies of public street or highway access, encroachment, or occupancy permits for private streets and driveways and complete final construction plans, including agreements or easements as may be required to ensure maintenance of private streets and shared driveways. **[Amended 12-16-2009 by L.L. No. 3-2009]**
16. Copies of any other local, state and/or federal permits or approvals.
17. Each final plat submission shall, in addition to the items required above, include new submissions of preliminary plat data in any instance where there has been a change in the plans or the circumstances surrounding them.
18. For any lot created by subdivision for which access to potable water and ability to dispose of sewage is not demonstrated, the subdivision map shall indicate for said lot NO BUILDINGS SHALL BE CONSTRUCTED ON THIS LOT.

**§ 140-15. Requirements for guarantee of improvements.**

1. A performance assurance or completion guarantee shall be delivered to the Town to guarantee that the subdivider will cause to be constructed and completed within a reasonable time the public improvements the subdivision requires.
2. The Planning Board may not grant final plat approval unless a performance assurance has been issued in compliance with the procedures set forth in either Subsection B(1) or (2):
3. In an amount set by the Town Board from an estimate prepared by the Engineer for the Town, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required public improvements or the subdivider must obtain an irrevocable letter of credit from a banking institution located and authorized to do business in the State of New York in an amount to cover the full cost of the required public improvements. Any such performance assurance shall comply with the requirements of § 277 of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency and manner of execution. A period of one year, or such other period as the Town Board may determine appropriate, not to exceed three years, shall be set for the installation of all required public improvements; provided, however, that the term of such performance assurance may be extended by the Town Board.
4. The subdivider shall complete all required improvements to the satisfaction of the Engineer for the Town, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a letter of credit or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvements not approved by the Engineer for the Town. Any such letter of credit shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency and manner of execution.
5. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Engineer for the Town and a record drawing satisfactory to the Planning Board has been submitted indicating the location of monuments and accurately locating all public improvements as actually installed. The record drawing shall be certified to the Town as true and accurate by a New York State licensed professional land surveyor. If the subdivider completes all required improvements according to Subsection B(2) above, then said map shall be submitted prior to endorsement of the final plat by the Planning Board. However, if the subdivider provides a letter of credit or certified check for all required improvements as specified in Subsection B(1) above, such performance assurance shall not be released until such a record drawing is submitted. The Town Board may release or reduce the amount of the bond upon certification of the Engineer for the Town and the Town Attorney that all or part of the requirements of the bond have been satisfied.
6. The subdivider shall complete all required improvements or post the required performance assurance to the satisfaction of the Town Board before any building permits will be issued. No certificate of occupancy may be issued until the Code Enforcement Officer finds that sufficient public improvements have been installed to the satisfaction of the Town to the extent necessary for the public health, welfare and safety of the occupants of the buildings.
7. If the Town Board shall decide at any time during the term of the performance assurance that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance assurance, or that required improvements have been installed as provided in this section in sufficient amount to warrant reduction in the face amount of said assurance, or that the character and extent of such development requires additional improvements previously waived for a period stated in the original terms of such assurance, the Town Board may modify its requirements for any or all such improvements, and the face value of such performance assurance shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Town Board, and any security deposited with the assurance may be reduced or increased proportionately.

**§ 140-16. Lot improvements.**

1. A copy of deed is required for all subdivision, site plan, variance, lot line and special use permit applications.
2. Lot improvements shall be exempt from the requirements contained herein, provided that nine copies of a plan prepared by a surveyor or professional engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the applicability of the criteria below. To qualify as a lot improvement, the parcels shall:
3. Involve the addition of land to an existing parcel so as to:
4. Improve ability of that parcel to comply with setback or other building standards; or
5. Increase suitability of the parcel for building development; or
6. Add to the availability of open space; or
7. Resolve a boundary line dispute or produce a corrected deed if a map reflecting the same is desired for recording purposes.
8. Include a map restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.
9. The Planning Board shall, within 31 days of the receipt of the lot improvement plans, determine whether they comply with the exemption criteria found above. Should the Planning Board find that the plans do not meet the criteria for a lot improvement or should it fail to act in the time provided, such plans shall be processed as a minor or major subdivision. If the Planning Board finds that the plans qualify as a lot improvement, the Planning Board shall sign the plans with the following notation: "These plans are acknowledged by the Town of Catskill, and for recording purposes only, to represent an exempt lot improvement in accord with § 140-16 of the Town of Catskill Subdivision Regulations. No subdivision approval is required or given." No person shall record plans for any lot improvement without so first obtaining the Planning Board's signature and notation on the plans. **[Amended 2-17-2021 by L.L. No. 1-2021]**

**§ 140-17. Fees.**

At the time a sketch plan for subdivision approval is filed and at the time a final plat is submitted for approval, fees shall be paid to the Town by the subdivider, such fees to be determined from a schedule of fees as adopted by the Town Board by resolution. Additional fees may be imposed to cover the costs of inspections, professional reviews and SEQRA compliance and the expenses of public notices and hearings.

**§ 140-18. Design standards.**

1. Application. The design standards and requirements set forth in this chapter are the minimum required in the design of each subdivision within the Town of Catskill. The Planning Board may require more restrictive standards where necessary to protect the health, safety and welfare of the public and where circumstances unique to the property so dictate.
2. General site requirements.
3. Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood, noise, or any other natural or nonnatural occurrence, or are uninhabitable for other reasons, may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards mitigating the hazards.
4. In addition, the Town may rely upon information contained in its Comprehensive Plan and, in determining and evaluating any potential hazards, may use historical records, soil evaluations, engineering studies, expert opinions, established professional standards, including standards used by licensed insurance companies, and federal, State, or local policies.
5. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, dedicated open space or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations of public health, safety, and welfare.
6. In all subdivisions, care shall be taken to preserve natural features such as trees, habitats, watercourses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a subdivision of land is on a site that has a slope of more than 15%, the Planning Board may require larger lot sizes than the minimum standards.
7. Damming, filling, relocating or other interference with the natural flow of surface water along any surface, water, drainage channel, or natural watercourse shall not be permitted except with the approval of the Planning Board and, as required, the DEC.
8. Wherever possible, lot lines shall follow Town boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
9. All major subdivisions shall be designed with underground utilities. To the maximum extent practical, all minor subdivision shall be designed with underground utilities.
10. To the maximum extent practical, major subdivisions shall be located on county or state highways.
11. To the maximum extent practical, the removal of mature trees shall be minimized.
12. Blocks and lots.
13. Blocks shall ordinarily not exceed 1,200 feet in length.
14. Pedestrian interior walks maybe required to assist circulation or provide access to community facilities and open space. Such walks shall have a right-of-way width of not less than six feet, be all-weather surfaced for not less than three feet in width, and include handicap-accessible street cuts.
15. Blocks shall be of sufficient depth to permit two tiers of lots of appropriate depth, with each lot fronting a parallel street, except where an interior street parallels a major street or where a street borders a railroad, creek, or other natural barrier.
16. Where a subdivision adjoins a major highway (one which is designated and marked for two lanes or more and carries at least 1,000 vehicles per day), the greater dimension of the Block shall front along said highway, and interior streets may be required to minimize the number of points of access. Such interior streets may be required for reasons of health and safety whenever topographic conditions, traffic density or lack of proper sight distance dictate. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement.
17. Cul-de-sacs. Through streets are preferred in the Town of Catskill. However, 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. The cul-de-sac shall otherwise be governed by all stated requirements of Chapter 138 and the Minimum Road Specifications, set forth in Chapter 138, Appendix A, thereto. **[Amended 12-16-2009 by L.L. No. 3-2009]**
18. All side lines of lots shall be at approximate right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.
19. Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event, a planting strip of at least 20 feet in width may be required along the back of the lot.
20. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common open space or dedicated to open space.
21. Either of the two sides of a corner lot may be designated as the front, provided that the rear yard shall always be opposite the frontage so designated.
22. All lots created under this chapter shall have a minimum of 50 feet of frontage providing access on a public street or highway which has been suitably improved to state, county or Town standards, or an approved private street suitably improved to the appropriate Town standards in Chapter 138 and the Minimum Road Specifications, set forth in Chapter 138, Appendix A, thereto of the Town Code with the exception of flag lots which require a minimum of 24 feet of frontage. The principal access to any approved subdivision shall likewise conform with Chapter 138 and the Minimum Road Specifications set forth in Chapter 138, Appendix A, thereto. This provision is subject to Town Law § 280-a. **[Amended 12-16-2009 by L.L. No. 3-2009]**
23. Monuments shall be placed at perimeter corners and the corner of each street, and markers set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.
24. Shared driveways. **[Added 12-16-2009 by L.L. No. 3-2009]**
25. A shared driveway may be approved, as part of a subdivision to serve up to three homes, provided that each lot served by such a driveway has the required lot or road frontage as set forth in this chapter.
26. Driveway access is typically controlled by sight line, grades, and ecological factors, such as wetlands and stream crossings.
27. A shared driveway may be owned in common or may be created by reciprocal easements between property owners.
28. A road maintenance agreement shall be required for a shared driveway.
29. A shared driveway shall have a minimum width of 20 feet and shall be improved with an all-weather surface with a minimum width of 16 feet suitable for passenger and emergency vehicle access.
30. A shared driveway shall be maintained free of all obstructions, such as trees, brush, posts, gates, etc.
31. Rear lots with no public or private road frontage gaining access to a public or private street only by means of an easement or right-of-way may only be approved pursuant to Town Law § 280-a.

1. Except as otherwise required above at 140-18(c)(12) (a) through (g), shared driveways do not need to meet the standards for private streets in Chapter 38.
2. In accordance with Town Law 280-a(4). In all zones, a buildable lot need not have frontage on a public or private road (a) if it has access to a public or private road by a recorded right-of-way subject to a maintenance agreement (b) there shall be no further subdivision of any lot without frontage on a public or private road, which shall be designated NOT TO BE FURTHER SUBDIVIDED on the survey map (c) only one single-family residence is permitted per lot (d) the use of the right-of-way shall be limited to three lots (e) no Certificate of Occupancy shall be issued unless any building constructed thereon have emergency vehicle access in accordance with state law and (f) no lot can provide access to additional adjacent landowner, except for pre-existing right-of-way.
3. Flag lots. **[Added 12-16-2009 by L.L. No. 3-2009]**
4. A flag lot may be approved, as part of a subdivision for a lot having access but that does not meet the minimum road frontage requirements of this chapter.
5. The width of the flag lot access shall not be less than 24 feet at any point and shall be improved with an all-weather surface driveway with a minimum width of 16 feet suitable for passenger and emergency vehicle access.
6. The flag lot and flag lot access shall be approved as a single lot; however, the area of the flag lot access shall not be counted for the purpose of determining the minimum lot area compliance.
7. Adjoining flag lots shall be prohibited. The minimum distance between driveways serving individual flag lots shall be not less than 100 feet as measured along the road frontage.
8. Flag lots shall not be further subdivided. A note stating “Parcel \_\_\_ is a flag lot and shall not be further subdivided” shall be placed on all subdivision maps with flag lots.
9. Rear lots with no public or approved private road frontage gaining access to a public or private street only by means of an easement or right of way may only be approved pursuant to Town Law § 280-a.
10. Common open space. Except where such area would be less than one acre or the Planning Board shall waive the requirement, not less than 10% of the gross area of the entire tract shall be reserved for common open space. Common open space shall be suitable for recreational use of the residents of the subdivision. The following and similar facilities shall meet this ten-percent requirement: swimming pools; tennis courts; riding, hiking and cycling paths; playgrounds; community centers; and other open areas. Such areas as are designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. The sites are not required to be dedicated to the Town and may be maintained by the developer or a homeowners' association. The sites shall not be deemed to be accepted by the Town unless and until the Town Board has taken formal action to accept the same. The Planning Board may require the subdivider to otherwise provide a fee in lieu of common open space pursuant to § 277 of the Town Law.
11. Water supply.
12. Where a central water supply is available within 1,000 feet of the proposed residential development, the subdivider shall construct a system of water mains tied to such system and provide a connection for each lot.
13. Plans and specifications for central water supply (i.e., extension of an existing system or a proposed new facility) shall be prepared by a professional engineer and shall conform to any applicable requirements of the New York State Department of Health and the local fire district(s). Suitable agreements shall also be established for the ownership and maintenance of a central water supply.
14. The Planning Board shall not approve a subdivision unless the subdivider has demonstrated provision for adequate water supply.
15. Sewage disposal.
16. All sewage disposal systems proposed shall comply with the provisions of Chapter 131[[3]](#footnote-3) of the Town Code.
17. All subdivision and land developments shall be provided with an adequate sewage disposal system(s). When a central sewage disposal system is available within 1,000 feet of a proposed residential development, the subdivider shall provide a system of collection lines to connect to said system. Central sewage disposal systems shall also be required for all residential lots and nonresidential developments where on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.
18. Sewers. The subdivider of any property situated within the district boundaries and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the district within 100 feet of said property line is hereby required, at the subdivider's expense, to install suitable plumbing facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of Chapter 132[[4]](#footnote-4) of the Town Code.
19. The subdivider shall not uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Board, in compliance with the specifications provided in Chapter 132 of the Town Code.
20. Where a public sanitary sewer is not available for a subdivision, the building sewer shall be connected to a private sewage disposal system complying with the provisions established by the New York State Department of Health and the requirements of this chapter.
21. Erosion and sedimentation. In the event that any subdivider shall intend to make land changes by grading, filling, excavating, removing, or destroying the natural topsoil, or vegetative covering thereon, in accordance with a subdivision plan submitted to the Planning Board, the same shall be approved and accomplished only after the developer has submitted to the Planning Board an erosion and sedimentation control plan. Erosion control measures shall be employed as necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of watercourses or impoundments. Erosion control measures may include hay bales, silt fences or other measures.
22. Storm drainage.
23. All subdivisions shall demonstrate compliance with DEC State Pollutant Discharge Elimination System regulations as appropriate. **[Amended 12-16-2009 by L.L. No. 3-2009]**
24. A stormwater pollution prevention plan shall be required for major subdivisions. Such plan shall comply with DEC guidelines and applicable standards. **[Amended 12-16-2009 by L.L. No. 3-2009]**
25. The following additional requirements shall apply:
26. Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.
27. The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development.
28. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without the Planning Board's approval of the subdivider's plans for addressing these conditions.
29. Stormwater calculations and designs shall be prepared by a professional engineer, land surveyor, landscape architect or other professional certified to perform such work.
30. Storm drainage facilities shall be designed to handle the anticipated peak discharge from the property being subdivided.
31. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of at least 20 feet to each side of the stream from that stream bank or such additional width as will be required to preserve the unimpeded flow of natural drainage. No stream classified as protected by 6 NYCRR Part 608 regulations may be disturbed without a DEC permit.
32. Drainage structures that are located on state highway rights-of-way shall be approved by the New York State Department of Transportation, and evidence of the same shall be provided to the Planning Board prior to final plat approval. Drainage structures that are located on county rights-of-way shall be approved by the Greene County Highway Department, and evidence of same shall be provided to the Planning Board prior to final plat approval.
33. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4 inch per foot away from the center line.
34. All proposed surface drainage structures shall be indicated on the preliminary plat.
35. Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
36. Whenever storm drains are required, such storm sewer systems shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Planning Board determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or street maintenance problems.
37. Drainage systems shall be designed in accordance with engineering practice, using hydraulic computations to show effects of the flow of water. The amount of stormwater leaving the site along any property line after development shall not exceed predevelopment stormwater flows for that area. In no case shall any pipe system of less than 15 inches in diameter be used underneath a street or driveway.
38. All drainage systems and structures shall be subject to the approval of the Engineer for the Town, or any such other qualified person as may be appointed for this purpose by the Planning Board.
39. Street requirements. All streets shall be constructed as shown on the preliminary and final plats approved by the Planning Board, and the arrangement, character, extent, width, grade and location of all streets shall conform with Chapter 138 and Chapter 138, Appendix A, of the Town Code as applicable to either dedicated public or approved private streets. Where no standard is provided, the Planning Board may rely upon the standards used by the New York State Department of Transportation for local streets. Every subdivision shall have access to a public street or highway. **[Amended 12-16-2009 by L.L. No. 3-2009]**
40. The arrangements of the subdivision streets shall be laid out so as to form a continuation of the public streets or highways now existing.
41. Each street shall be marked by monuments of granite or concrete with a cross on top. 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. All streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure the circulation of vehicular and pedestrian traffic.
42. 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.
43. No curves of 90° or greater shall be allowed on any streets.
44. Grades of all streets shall conform to the general terrain. Internal subdivision streets may have a maximum grade of up to 10%, except in cases of unusual terrain or other features where the Planning Board, in consultation with the Superintendent of Highways and/or Town Engineer, has granted a waiver in accordance with the provisions of § 140-20.
45. Streets shall have adequate drainage, including necessary inlet and outlet ditches. Reinforced concrete or corrugated ADPE pipe 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 will be obtained on behalf of the Town of Catskill where necessary as long as they are situated on lot lines.
46. The roadway of subdivision streets shall be filled with suitable bank gravel, as prescribed by Chapter 138 of the Town Code, and must be approved by the Superintendent of Highways before the streets are motor paved.
47. Landscaping, including fencing, on any proposed or existing street shall be set back 35 feet from the center of the subdivision street.
48. All private driveways and streets connecting with public streets shall comply with the standards prescribed by Chapter 138 of the Town Code and be approved by the Superintendent of Highways.
49. Streets to be constructed between November 15 and April 15 can proceed only with the permission of the Town Superintendent of Highways.
50. The Planning Board may require subdivision streets to include sidewalks.
51. Shade trees and other natural buffers along any proposed street right-of-way shall be retained to the maximum extent possible, and cuts and fills which would necessitate removing such cover shall be minimized.
52. Private streets. A private street may be approved to provide access to lots in a subdivision, subject to the following minimum requirements: **[Added 12-16-2009 by L.L. No. 3-2009]**
53. A certification must be included on the plat that expressly states that the road is not being dedicated to the Town and is a "private street."
54. Written recommendation from the Town Superintendent of Highways and/or the Town Engineer shall be secured before approval of any private streets.
55. A homeowners' association (HOA) shall be created to own and provide for the perpetual care and maintenance of the private street. The Planning Board shall have discretion to determine whether a performance bond must be posted by the subdivider to ensure the proper completion of the private street as well as the required amount and form.
56. The HOA shall have the power to assess the subdivision lot owners for their share of the maintenance costs of the private street. The HOA shall ensure that the street will always be maintained and kept open to permit emergency vehicle access.
57. Road design shall comply with the standards for private streets in Chapter 138 (including Chapter 138, Appendix A) of the Town Code.
58. The Planning Board may consider a waiver of the requirement of an HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a private street maintained pursuant to a recorded road maintenance agreement or some other acceptable legal mechanism will provide the same protections to lot owners and the Town as would a private street owned by an HOA.

**§ 140-19. Conservation subdivisions.**

1. The Planning Board shall be authorized, pursuant to and in supersession of § 278 of the Town Law, to modify applicable provisions of Chapter 160, Zoning, and these Subdivision Regulations so as to accommodate conservation subdivision projects. Also known as "cluster developments," conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities, and preserve open space. Conservation subdivisions shall be allowed anywhere within the Town of Catskill and processed pursuant to the subdivision plat approval procedures of this chapter.
2. The Planning Board may require a conservation subdivision where a conventional subdivision would cause a significant loss of open space or may adversely affect the preservation of and/or function of natural areas, prime farmland or farmland of statewide importance, according to the soil survey prepared for Greene County by the U.S. Department of Agriculture, or otherwise result in significant adverse environmental impacts. **[Amended 12-16-2009 by L.L. No. 3-2009]**
3. Conservation subdivisions provide for one-family dwelling units wherein dwelling units are clustered in order to maximize open space and preserve natural settings. Proposed conservation subdivisions shall be processed in the same manner as major subdivisions and in accord with the standards below.
4. Conservation subdivisions shall include at least five lots and 10 acres of land. For any major subdivision that is proposed, the Planning Board may require an alternative sketch plan that depicts the development of the property as a conservation subdivision. If the Planning Board determines that the sketch plan for the conservation subdivision better serves the purposes of this chapter, it may require the subdivider to use the conservation subdivision technique.
5. Maximum permitted number of dwelling units:
6. The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:
	1. All areas within the rights-of-way of any existing or proposed streets; and
	2. All areas occupied by public utility easements; and
	3. All wetlands, floodplains, slopes of 15% or more, water bodies and areas that are otherwise undevelopable.
7. The net figure shall then be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted.
8. The Planning Board may reduce development standards for lot size, lot width and lot depth and for yard requirements, provided that no dwelling structure (one-family or two-family) is located on less than one acre of land where on-site sewer and water facilities are to be provided or 1/2 acre of land where off-site sewer and water facilities are to be provided; and further provided the total average density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accord with this chapter and as determined from the basic sketch plan submission.
9. No individual parcel of common open space shall be less than one acre, except for street median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features. No less than 50% of the total land area of the conservation subdivision shall be dedicated to permanent open space. No portion of this 50% requirement shall be met with watercourses, water bodies, wetlands, floodplains, slopes over 15% in grade or other undevelopable areas. Of the 50% of this total land area of the conservation subdivision dedicated to permanent open space, 50% of this permanent open space land shall be usable for active recreation by residents of the subdivision and of the Town.
10. The open space resulting from conservation subdivision design shall be permanently protected by a conservation easement providing for public use and generally titled to a property owners' association (POA) prior to the sale of any lots or dwelling units within the subdivision. Membership shall be mandatory for each property owner within the subdivision and for successive owners with voting of one vote per lot or unit under the subdivider's control, thereby passing to the individual lot/unit owners on the subdivider's sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent, and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost, and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.

**§ 140-20. Waivers. [Amended 12-16-2009 by L.L. No. 3-2009]**

Consistent with the authority granted under Town Law § 277, the Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Such waivers are also subject to the following requirements:

1. Applications for waivers of requirements or improvements shall ordinarily be submitted in writing by the subdivider at the time the preliminary plat is filed. The application shall state fully the grounds on which it is made.
2. The Planning Board shall require a public hearing for any waiver application that it finds may have an impact on adjoining properties. The notice requirements for said public hearing shall be consistent with the notice requirements for subdivisions. **[Amended 2-17-2021 by L.L. No. 1-2021]**
3. Any resolution by the Planning Board authorizing a waiver of these regulations shall include the basis for its findings.
4. In authorizing a waiver, the Planning Board shall attach conditions and require such performance guarantee or bond as it may deem necessary to assure compliance with the objectives of this chapter.
5. Approvals of waivers pursuant to this section shall require a two-thirds majority vote of the Planning Board.

**§ 140-21. When effective.**

This chapter shall take effect 20 days after it is filed as provided in § 27 of the Municipal Home Rule Law.

1. **Editor's Note: See Ch. 138, Streets and Sidewalks.** [↑](#footnote-ref-1)
2. **Editor's Note: See Ch. 49, Planning Board.** [↑](#footnote-ref-2)
3. **Editor's Note: See Ch. 131, Sewage Disposal Systems, Individual.** [↑](#footnote-ref-3)
4. **Editor's Note: See Ch. 132, Sewers.**  [↑](#footnote-ref-4)