

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Saratoga

Local Law No. 2 of the year 2007

A local law amending the Subdivision Regulations for the Town of Saratoga in respect to certain fees and charges.

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

Town of Saratoga as follows:

The Subdivision Regulations of the Town of Saratoga are hereby amended in the following respects:

SECTION 1 - FEES:

Section VIII-Fees:

1. Minor Subdivision

Application Fee (includes advertising fees) - \$300.00 for 2 lots; \$400.00 for 3 lots; \$500.00 for 4 lots  
Engineering Escrow Deposit - \$500.00 (to hold as a deposit to pay the cost for engineering review, consultation and inspections on behalf of the Town. Any unused portion will be refunded to the applicant. Additional funds required must be paid prior to further consideration of the application).

2. Major Subdivision

Application Fee (including advertising fees) - \$1,000.00 plus \$250.00 for each resulting lot.  
Engineering Escrow Deposit - \$2,000.00 (to hold as a deposit to pay the cost for engineering review, consultation and inspections on behalf of the Town. Any unused portion will be refunded to the applicant. Additional funds required must be paid prior to further consideration of the application).

3. Payment in Lieu of Park Land Dedication

Where any proposed subdivision plat contains residential units, if the Planning Board makes a finding that there is a present and anticipated future need for park and recreational facilities for the Town, and further that

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

a suitable park or parks of adequate size cannot be properly located on such subdivision plat, the Planning Board may require a payment in lieu of park land dedication in the amount of \$500.00 per lot or site. Such payments so collected shall be placed by the Town into a trust fund to be used exclusively for park, playground or other recreational purposes, including the acquisition of property.

This local law shall take effect immediately.

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Town of Saratoga

Local Law No. 6 of the year 2007

A local law amending the Subdivision Regulations of the Town of Saratoga, changing design and construction standards for streets and highways.  
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Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

Town of Saratoga as follows:

**SECTION 1 – Sections Repealed.**

The following sections of the subdivision regulations of the Town of Saratoga are hereby repealed: Part I, Sections VI and VII; Part II, Section II, 1.0 through 3.5; Part II, Section III, 1.0 through 2.7; and Part III.

**SECTION 2 – Road and Utility Design Standards.**

Part II, Section II is amended as follows:

## **SECTION II Road and Utility Design Standards**

### **1. Additional improvements.**

The standards and specifications for single-family residential subdivisions are contained in these regulations. Additional improvements or improvements meeting more stringent standards and specifications may be required by the Planning Board for multifamily dwellings and commercial and industrial subdivisions.

#### **1.0 Street layout.**

- A. The arrangements, character, extent, width, alignment, both horizontal and vertical, and location of all streets shall conform to the Master Plan, Standard Town of Saratoga Design Standards, the appropriate sections of the NYS DOT Highway Design Manual (latest edition), the NYS DOT Manual of Uniform Traffic Control Devices (latest edition) and to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of land to be served and/or abutted by such.
- B. All subdivisions containing a street more than 800 feet in length shall have two means of access. Dead end streets shall have a cul-de-sac.
- C. Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:
  - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (2) Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or undesirable.
- D. Local streets shall be so laid out that their use by through traffic shall be discouraged.
- E. Where a subdivision abuts or contains an arterial street, the Planning Board may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- F. Where a subdivision abuts or contains a controlled access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- G. The Planning Board shall require that street names be approved by the County Highway Department or the Town officials designated by the Town Board to avoid duplications or use of similarly sounding or spelled names.
- H. Public access shall be provided to streets, water plants, sewage disposal plants or to other land dedicated or to be dedicated to public use.
- I. Where a subdivision is traversed by a watercourse, there shall be a stormwater easement not less than 50 feet in width conforming substantially with the lines of such watercourse and such further width or construction, or both, as shall be adequate to confine a design storm as specified in the subdivision storm drainage design standards.

#### **1.1 Blocks and lots.**

- A. The lengths, widths and shapes of blocks and lots shall be determined with due regard to:
- (1) Zoning requirements.
  - (2) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (3) The need for convenient access, circulation, control and safety of street traffic.
  - (4) Limitations and opportunities of topography.
  - (5) Block length, which shall generally not exceed 2,000 feet nor be less than 600 feet.
  - (6) Intersections with arterial streets, which shall be held to a minimum and preferably spaced at least 1,000 feet apart.
  - (7) The need for pedestrian walks not less than 10 feet in width, property line to property line, which shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- B. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard.
- C. The subdividing of the land shall be such as to provide that each lot abuts a public street which provides satisfactory access via streets or driveways to an existing public street or highway.  
However, a shared driveway may be used to access no more than three(3) buildable lots. Shared driveways may be used to access a flag lot and not more than two(2) lots adjoining the flag lot provided each such lot has frontage on a public road or public highway. The establishment of a shared driveway requires an access easement and an agreement or covenant setting forth the rights and obligations of the owners of the lots to share in the cost of maintaining and repairing the shared driveway. Such agreement or covenant is subject to the approval of the Town Attorney.
- D. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or other disadvantageous use (see § 368-26E) or to overcome specific disadvantages of topography and orientation.
- E. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.
- F. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivision unless future development is restricted.
- G. Numbering.
- (1) Developers are required to use a Guide to Practical Methods of House Numbering for Suburban or Rural Communities, a house numbering system compatible with the proposed Saratoga County 911 Service. Below is a paragraph pertaining to the numbering of lots taken from the guide.
  - (2) Numbering of lots shall be in accordance with United States Post Office guidelines:  
"There is a numbering standard which exists when a numbering project is undertaken. The standard calls for all street numbering to begin in the east and work toward the west and to begin in the south and work towards the north. You should use your best judgment when determining whether a particular street or road runs in an easterly or northerly direction. The closer you adhere to this method of placing your street numbers and in what direction they run, the closer you will be in compliance with what is considered the national standard. Again, here you would want to be extra attentive to streets and roads which enter your municipality from another. Check to see if any numbering exists and, if it does, what it is."

"The use of odd and even numbering placement also has a standard to which you should adhere. Generally, when numbering a street which runs south to north, the even numbers go on the east side and odd numbers on the west. When setting out numbers on streets which run in an east-to-west direction, the even numbers are on the north side of the street and the odd numbers on the south side of the street.

"Dealing with cul-de-sac is not that difficult. First, assess the exact impact the cul-de-sac has on the flow of traffic on the street. If the cul-de-sac is a simple eyebrow design or a mere indentation in the normal flow of traffic, you might want to try to keep the numbering for that side of the street intact, e.g., continue the odds or evens as though they were located on the standard street. If the cul-de-sac has a separate name, you will probably want to begin a new numbering range."

- H. All new subdivisions shall be required to contain a thirty-foot easement to facilitate access to drainage systems by the Town's Highway Superintendent.

### **1.2 Method of construction.**

All improvements granted final approval shall be constructed in each new subdivision in accordance with the standards and requirements established by the Town Planning Board and in accordance with the condition of the final approval.

### **1.3 Methods of completing construction.**

- A. Two methods of completing subdivision construction are provided in accordance with Town Law § 277.
  - (1) The owner may install improvements prior to final approval and submit a performance bond at the time of final submission, in an amount approved by the Town, to cover the cost of those improvements which are not installed.
  - (2) The owner may decide to install no improvement prior to final approval and submit such performance bond to cover the cost of improvements.
- B. The steps to be followed in the subdivision review process will vary depending on which method the owner adopts.

### **1.4 Utilities.**

- A. It shall be the responsibility of the owner to provide waterlines, storm drains, sanitary sewers, bridges and street pavement to the limits of the subdivision. These facilities shall be constructed as required for inclusion in the Town of Saratoga or other appropriate system. Each owner shall be responsible for the complete construction even though larger than normal sizes may be required.
- B. All utilities (e.g., telephone and electric) when deviating from a straight-line course between the source and a house shall be so designated.
- C. The minimum distance separation between the bottom of an individual sewerage disposal system and the seasonal high groundwater, bedrock or impervious layer shall be increased from two feet to four feet.

### **1.5 Road specifications.**

The following specification is the standard for the construction of new roads in the Town of Saratoga, Saratoga County, New York. It provides both minimum requirements for materials and workmanship for roads built on sand or granular subgrades and new roads constructed on silty or clayey subgrades (A-6 and A-7 soil). [Note: Reference is made to American Association of State Highway and Transportation Officials soil classifications A-1 through A-7 as defined in the Asphalt Institute Manual, Series No. 10 (MS-10), March 1978 Edition.] Unless specifically stated otherwise, all road work shall conform to the most recent version of New York State Department of Transportation's Standard Specifications, Design Manual, and Manual of Uniform Traffic Control. The applicant shall be responsible for bringing all town roads he uses in the development of the subdivision back to at least as good condition at the completion of build out as existed prior to the beginning of construction on the subdivision. The Town of Saratoga Highway Superintendent and the subdivision applicant shall determine the construction traffic pattern to be adhered to and document the condition of the roadways prior to the beginning of the subdivision development.

- A. Clearing and grubbing of right-of-way. Sod, topsoil, organic matter, foreign material and cobbles larger than four inches shall be removed from the entire right-of-way and shall be disposed of in an acceptable manner. In cases where the subgrade consists of A-6 or A-7 soil, the removal of the appropriate amount of this material shall be accomplished in an acceptable manner prior to grading the subgrade.
- B. Effect of weather conditions on construction. Application of asphaltic concrete on new roads shall be permitted only during the time period of April 1 to November 1. The temperature during this time for construction shall be at least 50° F. Construction shall not occur during wet weather or during other adverse weather conditions. Deviation from these conditions shall be permitted only by special permission from the Town Highway Superintendent.
- C. Subgrade. The "subgrade" is defined as the original soil existing in the right-of-way over which the subbase is to be placed. "Artificial subgrade" refers to the granular material used to replace a specified depth of removed poor subgrade material.
  - (1) Grading and compaction. Grading and compaction of the subgrade shall commence after completion of the clearing and grubbing operation and shall be done in compliance with the accompanying drawing and the approved grade profile prior to the application of the subbase material. Compaction of the subgrade shall be accomplished by means of a vibratory eight-to-ten-ton roller as outlined in § 203-3.12 B.2 of the New York State Department of Transportation Standard Specifications. The method of compaction used shall also comply with the above-referenced standard.
  - (2) Testing and inspection of the subgrade. Compaction of the subgrade shall be achieved to the satisfaction of the Town Highway Superintendent and Town Engineer. Placement of the subbase shall not proceed until approval of the subgrade is received from the Town of Saratoga.
- D. Subbase. The subbase course shall consist of NYSDOT Section 667, Type B, and of a thickness equal or greater than that referenced in the Saratoga Design Standard "Road Section – Standard Detail".
  - (1) Substitution. The substitution of rubble material in place of the gravel shall be permitted only if so designated on the approved plan and if approved by the Town Highway Superintendent after observing the material prior to its placement. The minimum acceptable thickness of rubble shall be at least 75% of the gravel thickness.

- (2) Testing and inspection of the subbase. Prior to the placement of the gravel, the contractor shall have a sample analyzed that is truly representative of that material to be used for compliance with the appropriate New York State Department of Transportation standard. A New York State approved laboratory for sieve analysis shall be used. The results of the sample tested shall be submitted for the Town's approval. Town approval, in writing, shall be obtained before the commencement of any work. In the event that the gravel bank changes, the procedure outlined above shall be repeated. Additional testing may be required at the discretion of the Town of Saratoga.
- (3) Construction. The maximum thickness of lifts permitted for the subbase shall be six inches. Compaction of the subbase shall be accomplished by means of an eight-to-ten-ton roller or other compacting device defined in § 203-3.12 of the New York State Department of Transportation Standard Specifications and shall be graded in accordance with the accompanying drawing. Any imperfections, irregularities or other damage in the subbase shall be repaired prior to the installation of the base course.

E. Binder course.

- (1) The binder course shall consist of a thickness equal or greater than that referenced in the Saratoga Design Standard "Road Section – Standard Detail" after compaction, of Type 3 asphalt concrete (Item 403.13 of the New York State Department of Transportation Standard Specifications) binder material.
- (2) Application of the base course shall be in conformance with § 401-3 of the New York State Department of Transportation Standard Specifications and shall be graded as shown on the Saratoga Design Standard "Road Section – Standard Detail" and the approved grade profile.

F. Top course.

- (1) The first top course shall consist of a thickness equal or greater than that referenced in the Saratoga Design Standard "Road Section – Standard Detail" after compaction, of Type 6F asphalt concrete (Item 403.1701 of the New York State Department of Transportation's Standard Specifications) top material.
- (2) Application of the top courses shall be in conformance with § 401-3 of the New York State Department of Transportation's Standard Specifications and shall be graded as shown on the Saratoga Design Standard "Road Section – Standard Detail" and the approved grade profile.
- (3) The construction of the second top course shall be deferred until 100% of the building lots fronting on the section of road in a particular phase have received certificates of occupancy or two years from the date of the road acceptance has passed, whichever comes first.
- (4) All pavement penetrations, except valves and manhole covers, shall be set flush with the binder course elevation; valves and manhole covers shall be set 1/4 inch below the binder course elevation. Metal risers shall be installed just prior to top course paving to keep the pavement penetrations flush with the top course elevation, except valves and manhole covers shall be set 1/4 inch below the top course elevation.

G. Poor subgrade; minimum requirements.

- (1) A "poor subgrade" is defined as that which consists of silty or clayey material and designated A-6 or A-7 under the American Association of State Highway and Transportation Officials soil classification system.
- (2) When a poor subgrade exists, an artificial subgrade, as previously defined, shall be substituted for a portion of the subgrade. The artificial subgrade shall consist of granular material (sand) and shall be approved for use by the Town Highway Superintendent prior to installation. The compacted depth of the artificial subgrade shall be 12 inches.
- (3) Additional requirements shall be imposed if deemed necessary.



H. Industrial and commercial roads. Roads intended primarily for industrial or commercial uses or other surfaces subjected to excessive wheel loadings may require special design. These situations shall be evaluated on an individual basis.

I. Drainage facilities.

- (1) Prior to the construction of drainage facilities, the plans and specifications shall be approved by the Town Highway Superintendent and the Town Engineer, in writing. The basis for the design of drainage facilities shall be accomplished by means of an acceptable method for calculating runoff, such as the Rational Method or Soil Conservation Service Technical Release No. 55. Complete calculations for determining runoff quantities shall accompany all submittals for Town approval.
- (2) Catch basins shall be a minimum four feet inside diameter. Drop inlets may be used in lieu of catch basins for the purpose of collecting surface water discharge to a catch basin. Drop inlets shall be at least 2 1/2 feet square. The height shall be ample to provide minimum cover over pipe as required. See Catch Basin Detail for both catch basin and drop inlet design.
- (3) Unusual conditions.
  - (a) Where unusual conditions exist, such as the need for groundwater recharge to replenish water wells, flat topography, excessively high or low groundwater table, etc., a special design for stormwater systems shall be required.
  - (b) In areas where topography limits stormwater system design to on-site disposal, it is preferred that retention areas be used, if conditions warrant it, in conjunction with an underdrain system. Dry wells may be incorporated in the overall design on certain cases.
- (4) Drainage easements shall be created a minimum of 25 feet from the top of drainage swales and basins in order to ensure that the Town has adequate area for any future maintenance.

J. Additional requirements.

- (1) In certain cases, guardrails may be required. This requirement shall be discussed with the owner during the plan review process, if required.
- (2) Road elevation shall ensure the construction of driveways with a maximum slope of 5% from pavement edge to the road right-of-way line.
- (3) The radii at all intersection shall be 33 feet for subbase, base and top courses.
- (4) All new roads shall receive a graded layer of suitable topsoil material from the edge of the pavement to the right-of-way extremity. Mulching and seeding of this area shall occur as soon as practical. The road shall be acceptable to the Town only upon the appearance of a dense stand of grass in non-blacktopped areas.
- (5) All catch basins, drop inlets and piping shall be free of sediment, silt and debris when accepted by the Town of Saratoga.
- (6) Areas containing erosion or eroded soil or areas not containing a dense stand of grass contained within the road shall constitute grounds for denial of acceptance.
- (7) Prior to the issuance of any certificates of occupancy or the acceptance of the road, stakes shall be placed on the front corners of the property designating the line between the landowner's property and the Town right-of-way.

**1.6 Establishment of letters of credit.**

- A. The Town Board may require the establishment of a letter of credit which shall cover the cost of all public improvements in the public right-of-way, including water distribution and sewage

collection systems and all other items considered to be turned over for public use and maintenance. A detailed written estimate of all costs shall be provided to the Town. Costs shall reflect current values for the work and materials involved and shall be representative of actual cost to the Town of Saratoga to execute the work should the contractor or owner not complete the project. Cost estimates shall be reviewed by the Town Highway Superintendent and the Town Engineer.

- B. The letter of credit shall include assurance of reimbursement of maintenance costs to the Town if needed prior to the expiration date of the letter of credit and an inflation factor if deemed appropriate.
- C. Approval of the Town Engineer and/or Highway Superintendent of the plans and specifications for the new road and drainage system shall precede letter of credit acceptance.
- D. The final amount of the letter of credit shall require the approval of the Town Board.
- E. The form of the letter of credit shall be acceptable to the Town of Saratoga.

#### **1.7 Reduction of letter of credit.**

- A. Various items of construction may be inspected and approved upon their completion and the amount of the letter of credit may be reduced, provided that it does not become less than 20% of the original value of the letter of credit.
- B. The creation of a letter of credit (or continuance of the initial letter of credit) in an amount equal to 20% of the cost of all public improvements in the public right-of-way, including water distribution and sewage collection systems and all other items considered to be turned over for public use and maintenance, shall be in effect until one year after the granting of final acceptance, and subsequently reduced to 10% for the second and final year. The twenty-percent to ten-percent, two-year letter of credit shall be a single document accepted by the Town of Saratoga prior to the acceptance of the road.

#### **1.8 Road construction inspections.**

- A. The highway superintendent's/engineer's inspection shall include the following:
  - (1) The width and thickness of the pavement.
  - (2) The width, thickness and compaction of the subbase.
  - (3) The compaction of the subgrade.
  - (4) General compliance with approved plans relative to road grades, cross-slope of travel lanes and slopes of graded areas.
  - (5) The method and effectiveness of seeding and mulching of all areas required.
  - (6) The location, positioning and cleaning of drainage facilities.
- B. Roads constructed by the Town Highway Department shall be exempt from this requirement.

#### **1.9 Final inspection.**

- A. Upon completion of construction, a final inspection shall be held by the Town. Minor changes from the development map and plan/profiles as required by conditions of the work site may be allowed in the actual construction.
- B. Contingencies set upon approvals of any kind shall be met before the approval can be considered final and valid.
- C. The Town Board shall consider accepting new roads only after 100% of the associated road