

CHAPTER 241
OF THE CITY CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK
SUBDIVISION REGULATIONS

Adopted by the City Council June 17, 2003; amended September 4, 2012

ARTICLE 1 – GENERAL PURPOSE



User Guide:

- The authority and jurisdiction section provides the legal basis for the regulations

- “Purposes and Policies” is a critical section. This section is the foundation of the regulations.

§ 1. Authority and Jurisdiction

- A. The Planning Board of the City of Saratoga Springs has been established in accordance with Chapter 21 of the Consolidated Laws, Article 3, Laws of 1926, Chapter 690, amended by laws of 1929, Chapter 605; 1938, Chapter 205; 1944, Chapter 185.
- B. The City Council, by Ordinance passed May 17, 1946, did delegate to the Planning Board the authority to adopt rules and regulations with respect to procedure before it.
- C. The City Council, in accord with Article 3, Section 32 of NYS General City Law, authorizes and empowers the City of Saratoga Springs Planning Board to approve preliminary and final subdivision plats. Such authority includes administrative actions of the Planning Board and /or Planning Board Chairperson.
- D. Enforcement of these regulations shall lie with the same officer charged with the duty of enforcing the City’s Zoning Ordinance.

§ 2. Purpose and Policy

- A. These regulations are adopted for the following purposes:
 - 1. To protect and provide for the public health, safety, and general welfare of the residents of the City of Saratoga Springs, hereinafter referred to as the “City”.
 - 2. To guide the future growth and *development* of the City of Saratoga Springs in accordance with the *City’s Comprehensive Plan*.
 - 3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.



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- Applicants are encouraged to thoroughly review the "Purposes and Policies" prior to initiating design as these will ultimately form the basis for decisions regarding subdivision applications to the Planning Board.
- The "Purposes and Policies" are carefully written to reflect the preferred qualities in approved subdivision plats.

4. To protect the character and the social and economic stability of all parts of the City of Saratoga Springs and to encourage the orderly and beneficial *development* of the community through appropriate *growth management* techniques assuring the timing and sequencing of *development*, promotion of infill *development* in existing *neighborhoods* and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban *development*.
5. To protect and conserve the value of land throughout the City of Saratoga Springs and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City of Saratoga Springs, having particular regard to the avoidance of congestion in the *streets* and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of *streets* and building lines.
8. To establish reasonable standards of design and procedures for *subdivisions* and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and "monumenting" of subdivided land.
9. To ensure that *public services* are available concurrent with *development* and will have a sufficient capacity to serve the proposed *subdivision* and that the *City* will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the *development* provides its fair share of capital facilities needs generated by the *development*.
10. To prevent the pollution of air, *streams*, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City of Saratoga Springs in order to preserve the integrity, stability, and beauty of the *City* and the value of the land.
11. To preserve the natural beauty and topography of the City of Saratoga Springs and to ensure appropriate *development* with regard to these natural features.



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- The objectives listed to the right list the qualities that are to exist in a final subdivision.

- Definitions are important as they clarify the meaning of critical words or phrases in the regulations.

12. To provide for open spaces through the most efficient design and layout of the land, including the use of average *density* in providing for minimum width and area of *lots*, while preserving the *density of development* as established in the *zoning ordinance* of the City of Saratoga Springs.

13. To ensure that land is subdivided only when *subdivision* is necessary to provide for uses of land for which market demand exists and which area in the public interest.

14. To remedy the problems associated with inappropriately subdivided lands, including premature *subdivision*, excess *subdivision*, partial or incomplete *subdivision*, scattered and low-grade *subdivision*.

B. It is declared to be the policy of the City of Saratoga Springs to consider land *subdivision plats* as part of a plan for the orderly, efficient and economical *development* of the *City*. This shall be interpreted to include the following objectives, which will guide the Planning Board's decisions.

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

2. Proper provision shall be made for water supply, sewerage, drainage and other needed public improvements and utilities.

3. Proposed *streets* shall compose a convenient system conforming to the *City's Comprehensive Plan*, and/or *Official Map* as they may be adopted.

4. *Streets* shall be of such width, grade and location as to accommodate present and prospective traffic.

5. All *development* shall be so situated on the *lot* to assure that there is provision for adequate light and air for occupants.

6. All *development* shall facilitate adequate fire protection and provide *access* for fire fighting equipment.

7. Open space for parks and playgrounds shall be shown on the *subdivision plat* where appropriate.

8. In case any of these regulations shall conflict or be inconsistent with any provision of the General City Law, the relevant provisions of the General City Law shall apply.

§ 3. Short Title

These regulations shall be known and cited as "the *Subdivision Regulations* of the City of Saratoga Springs, New York", or may be referred to as "Saratoga Springs *Subdivision Regulations*".



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- To assist readers of the regulations, the words or phrases defined are italicized throughout the regulations.
- Buffer areas can be useful tools in providing an area for transition between land uses. Elements of screening (i.e. coniferous vegetation, fences, etc.) within the buffer area are also important to the effectiveness of the buffer.

§ 4. Definitions

For the purpose of these regulations, the following words and terms shall have the meanings indicated:

100-YEAR FLOODPLAIN: Land subject to a one-percent or greater chance of flooding in any given year as specified in the City Code Chapter 120 Flood Damage Prevention.

ACCESS: A way or means to provide physical entrance to a property or physical element of the landscape.

ALLEY: A service road with one way or two-way traffic providing a secondary means of public access to abutting property and not intended for general traffic circulation.

APPLICANT: The owner, or purchaser under contract, of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.

APPLICANT'S ENGINEER: A professional licensed by the State of New York to perform design of improvements and retained by the applicant.

BOARD: Means the Planning Board of the City of Saratoga Springs as established in accord with the codes of the City of Saratoga Springs or any person authorized by the Planning Board to act as its representative.

BUFFER: An area of dimensional separation between land uses, buildings, or structures, which is undeveloped, with installed screening and/or undisturbed and left in a natural condition.

CITY: Means the City of Saratoga Springs, or other entity or person authorized to act as the official representative by law for the function referred to.

CITY ENGINEER: A licensed professional engineer, either employee or consultant, who shall perform the duties of the City Engineer for purposes of these regulations.

CLUSTER: A development design technique that concentrates buildings and structures on a limited area of a parcel to allow the remaining parcel area to be

permanently left as open space.



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- Applicants are encouraged to review the City's Comprehensive Plan *prior* to filing a subdivision application. The Comprehensive Plan is another resource for understanding the City's goals for development and preservation. A copy is available for review in the City's Planning Office in City Hall.
- Conservation subdivisions can be a useful tool in achieving the objectives set forth in the "Purpose and Policy" section of the regulations.

COMMISSIONER OF PUBLIC SAFETY: The presently elected Commissioner of Public Safety of the *City* or his designee. The Commissioner heads the Department of Public Safety.

COMMISSIONER OF PUBLIC WORKS: The presently elected Commissioner of Public Works of the *City* or his designee. The Commissioner heads the City's Department of Public Works.

COMPREHENSIVE PLAN: The document adopted by the City Council containing policies for the general *development* of the *City*, which indicates the general location for physical growth of the community, together with any and all amendments thereto.

CONSERVATION EASEMENT: A perpetual restriction on the use of land, created in accordance with the provisions of Section 49, Title 3 of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

CONSERVATION SUBDIVISION: A pattern of *development* that places housing units on those portions of a property most suitable for *development*, while leaving substantial portions as undeveloped open space. Such subdivisions may include a variety of *lot* sizes, ranging from large farms or estate *lots* to *lots* similar in size to those found in hamlet or village settings.

CONSTRAINED LAND: As used in the conservation subdivisions, land classified as wetlands, watercourses, 100-year floodplains, and slopes over twenty-five percent (25%) (two thousand (2,000) square feet or more of contiguous sloped area).

CONSTRUCTION: Refers to clearing, grading, paving, utility and miscellaneous construction in public rights—of-way or *easements* as shown on the *subdivision plat* plan and the commencement of excavation for or the building of any structure, including accessory structures and subsurface utility systems, or the commencement of moving or alteration of any structure. This does not refer

to privately owned *construction* covered by building permits.



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- Final review is the last stage in the subdivision review process. Depending on the complexity of the subdivision sought, less complex subdivisions may be allowed to submit at the final stage. Applicants are advised to meet with the City Planning Staff to discuss how the subdivision may be classified.

CONSTRUCTION PLAN: The drawings showing location, profile and size of sewers, drains, water mains, roads and *streets*, and other details of *construction*.

CONVENTIONAL SUBDIVISION: Any *subdivision* in the Rural Residential (RR), Suburban Residential-1 and 2 (SR-1 and SR-2) Districts that is not a *clustered* or *conservation subdivision* and that satisfies the area requirements in Article II of the *Zoning ordinance*.

DENSITY: The number of families, individuals, dwelling *units*, households, or housing structures per *unit* of land.

DEVELOPMENT: The *construction*, reconstruction, conversion, structural, alteration, relocation, or enlargement of any structure; any land disturbance; and any use or extension of the use of the land; the division of a parcel of land into two or more *lots*.

DEVELOPER AGREEMENT: An agreement between the City and the developer through which the City agrees to vest development use or intensity or refrain from interfering with subsequent phases or development through new legislation in exchange for provision of public facilities or amenities by the developer in excess of those required under current community regulations. Such agreements shall include "Inclusionary Housing Agreements", etc.

DOUBLE FRONTAGE LOTS: *Lots* with more than one *lot line* abutting existing or proposed *streets*.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS): A preliminary description for public review and comment and prepared in accord with the NYS State Environmental Quality Review Act (*SEQRA*) of the effect of a proposed action or *development* project on the environment consisting of an inventory of existing environmental conditions at the project site and what potential impacts may result.

EASEMENT: Authorization by an *owner* for the use, by others for a specific purpose, of a designated part of his

property.



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- Lot line adjustments are not re-subdivision and cannot result in the creation of more lots.

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS): A collection of the responses made to comments received from the public and involved agencies regarding the content of the *DEIS* files in accord with the State Environmental Quality Review Act (*SEQRA*).

FINAL PLAT APPROVAL: means the signing of the *plat* in final form by a duly authorized officer of the *Board* pursuant to a *Board* decision granting final approval to the plat, or after conditions specified in a decision granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Office of the Saratoga County Clerk.

FINAL PLAT: Means the final map upon which the *owner's* plan of *subdivision* is presented to the *Board* for approval, and which, if approved shall be submitted to the County Clerk for recording. The *final plat* is submitted as part of the *final submission*.

FINAL REVIEW: Refers to the complete process of reviewing a *final submission* and issuing a *final plat approval* or disapproval by the *Board*.

FINAL SUBMISSION: Refers to the *final plat* and all other documents the *sub-divider* is required to submit for *final review* of a *subdivision* by the *Board*.

FINANCIAL SECURITY: Is monetary backing provided by the *owner*, from a bank or financial institution, which guarantees the *City* that a specific amount of money will be kept available for the completion of *subdivision construction*. Said *financial security* is to be drawn on only by the *City*.

FLAG LOT: A lot with narrow frontage and narrow lot width at the front portion of the lot and widening or wider lot width to the rear portion of the lot.

GROWTH MANAGEMENT: Techniques utilized by the *City* to guide the rate, amount, location, timing, and type of *development*.

INCLUSIONARY ZONING: Regulations in the zoning ordinance focused on the provision of housing units

affordable to individuals and families of specified income ranges.



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- See Appendix G, Section 1.R. for dedication and fee requirements relating to lands for recreation.

LAND DEVELOPMENT ACTIVITY: construction activity including clearing, grading, excavating, soil disturbance or placement of fill the results in land disturbance of equal or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LOT: As it relates to *subdivisions*, a parcel or portion of land separated from other parcel or portions by description on a *subdivision* map, *survey* map or by *metes and bounds*, for purpose, whether immediate or future, of sale, lease or separate use.

LOT LINE: A properly surveyed and recorded line bounding a *lot* that divides one *lot* from another *lot* or from a public or private *street* or any other public or private parcel.

LOT LINE ADJUSTMENT: The resetting of *lot line* of a *lot* and not resulting in any additional *lots*.

METES AND BOUNDS: A method of describing the boundaries of land by directions and distances from a known point of reference.

MINOR ADJUSTMENT: A non-substantive change to an approved plat that does not result in nonconformities with the prior approval or *zoning ordinance*.

MODEL HOME: A dwelling *unit* used initially for display purposes, which typifies the type of *units* that will be constructed in the *subdivision*. Such dwelling *units* may be erected, at the discretion of the *Board* as set forth in Appendix G, Section 2. S.

MONUMENT: A boundary or *survey* marker.

NEIGHBORHOOD: An area of the *City* with characteristics that distinguish it from other areas of the *City*. These include, but are not limited to, distinct architectural characteristics, historical destinations, unique features of physical design, schools or social clubs, or boundaries as



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- More complex subdivisions may be classified as preliminary subdivision. This affords more detailed review of subdivision components such as potential road construction, stormwater treatment, grading, etc.

defined by built physical barriers such as *roadways* or natural features such as waterways or unique concentrations of flora or fauna.

NONRESIDENTIAL SUBDIVISION: A *subdivision* whose intended use is other than residential, such as commercial or industrial. Such *subdivision* shall comply with the applicable provisions of these regulations.

OFFICIAL MAP (IF ANY): Is a map established by the *City Council* of Saratoga Springs under Section 26 of the *General City Law*, showing the *streets*, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of the *General City Law* Section 29.

ONE-WAY STREET: A *road* that provides for the movement of vehicles in a single direction.

ON STREET PARKING: A temporary storage area for a motor vehicle that is located on a *street* and outside of the travel lane.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, sufficient proprietary interest in, or under option to the land sought to be subdivided under these regulations.

PARK LAND: A tract of land, designated and used by the public for active and/or passive recreation.

PERFORMANCE BOND: An obligation in writing, under seal, issued by a Surety Company, satisfactory to the *City*, binding the obligator to pay a sum of money to the *City* if the obligor fails to satisfactorily install and/or maintain improvements as required under Section 33 of the *General City Law*, including escrow agreement and other similar collateral or surety agreements.

PLAT: (1) A map representing a tract of land illustrating the boundaries and location of individual properties and *streets*. (2) A map of a *subdivision* or planned unit development site plan.

PRE-CONSTRUCTION: Any *construction* begun prior to



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- Subdivisions in the City must comply with the environmental regulations of New York State as contained in the NYS Environmental Quality Review Act (SEQRA).

approval of a *subdivision* or issuance of a building permit. Excavation for site investigations, and customary agricultural activity are to be exempt.

PRELIMINARY PLAT APPROVAL: Means the approval of the layout of a proposed *subdivision* as set forth in a *preliminary subdivision plat* but subject to the approval of the *plat* in a final form in accordance with the provisions set forth in these *subdivision regulations*.

PRELIMINARY SUBDIVISION PLAT: Means a drawing showing the salient features of a proposed *subdivision* submitted to the *Board* for its consideration prior to submission of the *final plat*. The *preliminary plat* is submitted as part of the *preliminary submission*.

PUBLIC UTILITY: A closely regulated private enterprise with an exclusive franchise for providing a *public service* deemed necessary for the public health, safety and welfare.

PUBLIC SERVICE: A function relating to the health, safety and welfare of the general population.

PUBLIC UTILITY FACILITIES: Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a *public utility*.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a *road*, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm sewer and other similar uses.

ROAD: See “*street*”.

ROADWAY: Refers to the portion of a *street*, which is designated for vehicle use.

RURAL ROAD: A vehicular way that may be existing or shown on a *plat* that may incorporate the elements of a

street except for curbs, gutters and sidewalks and exists within areas with a low intensity of *development*.



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- The six classifications of streets are listed and illustrated in Appendix G. Each street type is defined.

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEQRA: The State Environmental Quality Review Act of New York State as defined in 6NYCRR Part 617.

SKETCH PLAN: A concept, informal map of a proposed *subdivision* or planned unit development site plan of sufficient accuracy to be used for the purpose of discussion and classification.

SMALL RURAL ROAD: A vehicular way that may be existing or shown on a *plat* that may incorporate the elements of a *street* except for curbs, gutters and sidewalks and exists within areas with a low intensity of *development* where natural features of the environment are highly prevalent or designed in a manner to have minimal impact to the natural features of the landscape and width of pavement is minimal.

SPDES GENERAL PERMIT FOR CONSTRUCTION

ACTIVITIES GP-02-01: A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

STREAM: A *watercourse* having a source and a terminus, banks and channel through which water flows at least periodically.

STREET: Means a way for vehicular traffic, whether designated as a *street*, arterial, highway, thoroughfare, parkway, thruway, *road*, avenue, boulevard, land, cul-de-sac, place or however otherwise designated, including the entire area within the *right-of-way*, which is an existing maintained state, county or city *roadway*, or a *street* or way shown upon a *plat* heretofore approved by official action and includes the land between the *street* lines whether improved or unimproved and may comprise pavements, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the *street* lines. For purposes of these Regulations, *streets* shall be classified

by the City's Engineering Standards and are described in Appendix G.



User Guide:

- The City's Zoning Ordinance is another important and useful reference tool that should be thoroughly reviewed prior to designing a subdivision.

SUBDIVISION: The division of a *lot*, tract, or parcel of land into two or more *lots*.

SURVEY: The process of precisely ascertaining the area dimensions of a piece of land and conducted by an individual licensed by the NYS Department of Education. This process may also involve ascertaining the precise location of naturally occurring or built features, and topography.

UNCONSTRAINED LAND: All land that is not *constrained land*.

UNIT (OR DWELLING UNIT): A room or group of rooms providing complete housekeeping facilities for one household.

URBAN LOCAL STREET: A *road* that provides land access and traffic circulation within residential neighborhoods. Urban local streets are typically narrow in width when compared to an *urban street* with parking on one side. Urban local streets also carry traffic to urban streets and have lower traffic volumes.

URBAN STREET: A *road* that provides land access and traffic circulation within residential *neighborhoods* and commercial and industrial areas. Urban *streets* are wider in width with parking on two sides. Urban *streets* also carry traffic from local *streets* to the arterial system. Urban *streets* generally carry more than 1,000 vehicle trips per day.

USABLE LAND: Class A Type refers to developable land generally devoid of *wetlands*, drainage courses, steep slopes, etc. Class B Type refers to land not suitable generally for *development* except for passive open space.

WATERCOURSE: Any *stream*, pond, lake, drainage channel, or other area of land that is normally filled with water. Boundaries of a *watercourse* shall be measured at the high-water mark.

WETLAND: An area of land that is characterized by hydrophytic vegetation, saturated soils, or periodic inundation, which is classified as a *wetland* or by either the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers.

ZONING BOARD OF APPEALS: The Board established in accord with the codes of the City of Saratoga Springs.

ZONING ORDINANCE: The adopted current law of the *City*, together with any and all amendments thereto that provides a delineation of districts and the establishment of regulations governing the use; placement; spacing; and size; of *lots*, structures, and buildings.

ARTICLE II – APPLICATION AND REVIEW PROCEDURES



User Guide:

- Application procedures describe the process to be followed for proper assembly and submission of a subdivision application. Three application options exist;
 2. Sketch plan;
 3. Preliminary; or
 4. Final.
 5. Conservation Subdivision.
- It is the sub-divider’s choice as to where the process is started. The subdivision process may be started at sketch plan, preliminary or final.

§ 1. Procedures for Review of a Conventional Subdivision

A. General Procedures:

1. Whenever any *subdivision* or re-subdivision of land in the *City* is proposed, the subdividing *owner*, or his authorized agent, shall apply for, and secure *final approval* of, such proposed *subdivision* before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed *subdivision* shall be granted on any new lot. Approval of a proposed *subdivision* shall be obtained in accordance with the procedures specified in this Article.
2. Whenever a time limit is specified in these regulations, the *Board* may extend the limit upon request by the *owner* provided the *Board* is legally empowered to do so.
3. At the discretion of the applicant, the subdivision process may be initiated at any one of the three levels, sketch plan, preliminary or final.
4. For all proposed subdivisions within RR and SR-1 districts, conservation subdivision is required (see Article IV–Conservation Subdivision). For all proposed subdivisions within UR-1 and SR-2, cluster subdivision is available as an option at the discretion of the applicant (see Article IV-§ 2 Cluster Development).]

B. Sketch Plan Review

1. Submission of *Sketch Plan*. Any *owner* of land may, prior to applying for *subdivision* approval, submit to the *Board* at least twenty-one (21) days prior to the regular meeting of the *Board*, twelve (12) copies of a *sketch plan* of the proposed *subdivision* for purposes of preliminary discussion. The submission of a *sketch plan* is a pre-application procedure available to a prospective *sub-divider* for an informal discussion of the proposed *subdivision* at a conceptual level for the purpose of seeking advice and direction.
2. All applications for *sketch plan* review are subject to the fees set forth in Appendix A. The *applicant* shall be responsible for all planning and engineering project review fees as may be established from time to time by the Saratoga Springs City Council.



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- The preliminary application stage provides for environmental assessment of the proposed subdivision in accordance with the NYS Law.

3. Discussion of Requirements: The *applicant*, or his duly authorized representative, shall attend the meeting of the *Board* to discuss the requirements of these Regulations for *street* improvements, grading, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Discussion of the *sketch plan* shall conclude with a recommendation to proceed with a *preliminary*, or *final subdivision plat* application or to modify the *sketch plan* for further discussion before proceeding to the next application step.
4. Except for unusual circumstances the *applicant* will be limited to two (2) pre-application discussions before the *Board*.

C. *Preliminary Subdivision* Application Procedure:

1. Prior to the filing of an application for the *final approval* of a *subdivision plat* the *applicant* may file an application for *preliminary subdivision*. Such a *preliminary subdivision plat* shall be clearly marked "*Preliminary Plat*" and shall contain the form prescribed in Appendix C. The *preliminary plat* shall, in all respects, comply with the requirements of Article III, Section 2, as set forth in these Regulations.
2. Fees: *Applicants* for *preliminary subdivision plat* approval shall submit a fee as established by resolution of the City Council.
3. Number of Copies: *Applicants* for *preliminary approval* shall file twelve (12) complete copies of a *subdivision* application to the City Planning Office in City Hall on behalf of the *Board* at least twenty-one (21) days prior to a regular meeting of the *Board*. In order to be complete an application must contain the items listed on the Completeness Checklist in Appendix D. The Chairperson of the *Board* or the designated staff has the right to reject any application submitted if it fails to meet the minimum submittal requirements.
4. *Applicant's Attendance* at the *Board Meeting*: Once determined to be complete, the filed application will be placed on the agenda of the *Board*. The *applicant*, or his duly authorized representative, shall attend the meeting of the *Board* to discuss the *preliminary subdivision plat*. If the applicant, or his/her designee, fails to appear the *Board* may either continue the application to the next meeting or issue a determination that the application has been



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- State law requires a public hearing at this stage.
- Applicants are required to send public hearing notices to all property owners within a specified distance from their subdivision.

- withdrawn.
5. Official Submittal Date: The official time of submission of the *preliminary subdivision plat* shall be the date of the determination relating to the *SEQRA* assessment as made by the Board.
 6. A *preliminary subdivision plat* shall not be considered for a decision until a negative declaration has been filed or until a notice of a complete *DEIS* has been filed in accordance with *SEQRA*. The time periods for review of such a *preliminary subdivision plat* shall begin upon the date of filing of such a negative declaration or notice of completeness.
 7. Coordination with *SEQRA*
 - a. Planning Board as lead agency under *SEQRA*;
 - (1.)The public hearing timeframe within which the *Board* shall hold a public hearing on the *preliminary subdivision plat* shall be coordinated with any hearings the *Board* may schedule in accord with *SEQRA*.
 - (a.)If the *Board* determines that preparation of a *DEIS* is not required, the public hearing on the *preliminary subdivision plat* shall be held within sixty-two (62) days of the official submittal date.
 - (b.)If the *Board* determines that preparation of a *DEIS* is required, and a public hearing on the *DEIS* is held, the public hearing on the *preliminary subdivision plat* and the *DEIS* shall be held jointly within sixty-two (62) days after the filing of the notice of completion of the *DEIS* in accordance with the provisions of *SEQRA*. If no public hearing is held on the *DEIS*, the public hearing on the *preliminary subdivision plat* shall be held within sixty-two (62) days of the filing of the notice of completion of the *DEIS*.
 - (2.) Public hearing notice;
 - (a.)The Planning Board shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The applicant shall be responsible for payment for this notice.



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Prior to the hearing, the applicant shall be responsible for filing with the Planning Board an affidavit from the newspaper confirming such publication and payment. The prescribed form is in Appendix B of these regulations.

- (b.) The applicant shall obtain from the City the names and addresses of property owners within a 250 foot geographic radius from the applicant's subject property boundary.
 - (c.) The applicant shall receive from the Planning Board a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but not more than 20 calendar days prior to the scheduled hearing.
 - (d.) Prior to the public hearing, the applicant shall submit to the Planning Board confirmation of the property owner notification by obtaining a "certificate of mailing" from the U.S. Postal Service.
 - (e.) Failure to provide notice in exact conformance with these provisions shall not invalidate a Planning Board determination provided the Planning Board finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed action.
- (3.) Public hearing length; the hearing on the *preliminary subdivision plat* shall be closed upon motion of the Board within one hundred twenty (120) days after it has been opened, unless additional time is granted by the applicant.
- b. Planning Board not as lead agency under *SEQRA*;
- (1.) Public hearing timeframe; the *Board* shall, with the agreement of the lead agency, hold the public hearing on the *preliminary subdivision 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 *Board* shall hold the public hearing on the *preliminary subdivision plat* within sixty-two (62) days of the official submittal date.
 - (2.) Public hearing notice;
 - (a.) The Planning Board shall advertise the hearing in



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a Saratoga Springs newspaper of general circulation at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Planning Board an affidavit from the newspaper confirming such publication and payment.

(b.) The applicant shall obtain from the City the names and addresses of property owners within a 250 foot geographic radius from the applicant's subject property boundary.

(c.) The applicant shall receive from the Planning Board a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but not more than 20 calendar days prior to the scheduled hearing.

(d.) Prior to the public hearing, the applicant shall submit to the Planning Board confirmation of the property owner notification by obtaining a "certificate of mailing" from the U.S. Postal Service.

(e.) Failure to provide notice in exact conformance with these provisions shall not invalidate a Planning Board determination provided the Planning Board finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed action.

(f.) The *Board* shall mail notices of the hearing to the parties and to the Regional State Park Commission having jurisdiction over any state park or parkways within five hundred (500) feet of the property affected by such application, at least five (5) days prior to the hearing.

(3.) The hearing on the *preliminary subdivision plat* may be closed upon motion of the *Board* within one hundred twenty (120) days after it has been opened unless agreed to by the applicant.

8. County Planning Agency Review

a. When a *preliminary subdivision plat* is not



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required, and prior to taking action on such a *final subdivision plat* application of real property as specified in Section 239-m of the General Municipal Law, the *Board* shall make referrals to the County Planning Agency or, in the absence of such agency, to a metropolitan or regional agency having jurisdiction in accordance with Section 239-l and m of the General Municipal Law.

- b. If within thirty (30) days after receipt of a full statement of such referred matter, the County Planning Agency to which referral is made, or an authorized agency of said agency disapproves the proposal or recommends modification thereof, the *Board* shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after a decision fully setting forth the reasons for such contrary action and shall transmit said decision to the County Planning Agency within seven (7) days. The Chairperson shall read the report of the County Planning Agency at the public meeting on the matter under review.
 - c. If the County Planning Agency fails to report within such period or such longer period as may have been agreed upon by it and the referring agency, the *Board* may act without such report.
9. Decisions on applications for *preliminary subdivision plat*, Planning Board as lead agency are as follows:
- a. If the preparation of an environmental impact statement is not required, the *Board* shall make its decision within sixty-two (62) days after the close of the public hearing on the *preliminary subdivision plat* and shall conditionally approve, with or without modification, disapprove, or grant approval of the *preliminary subdivision plat*.
 - b. If an environmental impact statement is required, and a public hearing is held on the *DEIS*, the *FEIS* shall be filed within forty-five (45) days following the close of the public hearing on the *DEIS* in accordance with *SEQRA*. If no public hearing is held on the *DEIS*, the *FEIS* shall be filed within forty-five (45) days following the close of the public hearing on the *preliminary plat*. Within thirty (30) days of the filing of the *FEIS*, the *Board* shall issue findings on the *FEIS* and shall conditionally approve, with or without modification, disapprove,



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- At the discretion of the applicant, an application for subdivision may be initiated at the final stage.
- It is advisable to meet with a staff member City Planning Office for advice as to the optimal submission.

or grant approval of the *preliminary subdivision plat*.

10. Decisions on applications for *preliminary subdivision plat*, Planning Board not as lead agency are as follows:
 - a. If the preparation of an environmental impact statement on the *preliminary plat* is not required, the *Board* shall make its decision within sixty-two (62) days after the close of the public hearing on the *preliminary subdivision plat*.
 - b. If an environmental impact statement is required, the *Board* shall make its own findings and its decision on the *preliminary subdivision plat* within sixty-two (62) days after the close of the public hearing on the *preliminary subdivision plat* or within thirty (30) days of the adoption of the findings by the lead agency, whichever period is longer.
11. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the *Board*. When approving a *preliminary subdivision plat*, the *Board* shall state in writing any modifications it deems necessary for submission in the application of the *final subdivision plat*. When denying a *preliminary subdivision plat*, the *Board* shall relate the reasons for denial to Article 1, Section 2, the Purpose and Policy section of these regulations.
12. Certification and filing of the *preliminary subdivision plat*. Within five (5) business days of the adoption of the decision granting approval of the *preliminary subdivision plat*, such *plat* with modifications, if any, as specified by the *Board* shall be certified by the Clerk of the *Board* as having granted *preliminary plat approval* and a copy of the *plat* and decision shall be filed in the City Planning Office in City Hall.
13. Revocation of approval on *preliminary subdivision plat*. Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.

D. *Final Subdivision* Application Procedure

1. An application for *final subdivision plat approval* is required for the lawful division of a tract or parcel of



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- land. Applications for *final subdivision* are accepted under the following circumstances:
- a. The *Owner* has opted to begin the subdivision process with submission of a final application;
 - b. The *owner* has applied for and received approval of a *preliminary subdivision plat*.
2. Such *final plat* shall be clearly marked "*Final Plat*" and shall contain the form prescribed in Appendix C. The *final plat* shall, in all respects, comply with:
 - a. The requirements of Article III, Section 3, as set forth in these Regulations;
 - b. The conditions, if any, as specified in the approving decision for the *preliminary subdivision plat*.
 3. Fees: *Applicants* for *final subdivision plat* approval shall submit a fee as established by resolution of the City Council.
 4. Number of Copies: *Applicants* for *final subdivision plat* approval shall file twelve (12) complete copies of a *preliminary subdivision plat* application to the City Planning Office in City Hall on behalf of the *Board* at least twenty-one (21) days prior to a regular meeting of the *Board*. In order to be complete an application must contain the items listed in on the Completeness Checklist in Appendix E. The Chairperson of the *Board* or his designated staff has the right to reject any application submitted if it fails to meet the minimum submittal requirements.
 5. *Applicant's* Attendance at Planning Board Meeting: Once determined to be complete, the filed application will be placed on the agenda of the *Board*. The *applicant*, or his duly authorized representative, shall attend the meeting of the *Board* to discuss the *final subdivision plat*.
 6. Official Submittal Date: The official time of submission of the *final subdivision plat* shall be the date of determination relating to the SEQRA assessment as made by the Board.
 7. When a *preliminary subdivision plat* is not required, a *final subdivision plat* shall not be considered for a decision until a negative declaration has been filed or until a notice of a complete *DEIS* has been filed in accordance with *SEQRA*. The time periods for review of such a *final subdivision plat* shall begin upon the date of filing of such a negative declaration or notice of completeness.

8. *Final subdivision plats*, deemed by the *Board* not to be in substantial agreement with *preliminary subdivision plats* approved pursuant to Article II, Section 1, Paragraph C., or, when a *preliminary subdivision plat* application is not submitted, the following shall apply:
 - a. Coordination with *SEQRA* and compliance with Article 8 of the NYS Environmental Conservation Rules and Regulations Title 6 of the NYCRR.
 - (1.) Planning Board as lead agency under *SEQRA*;
 - (a.) The public hearing timeframe within which the *Board* shall hold a public hearing on the *final subdivision plat* shall be coordinated with any hearings the *Board* may schedule in accord with *SEQRA*.
 - (b.) If the *Board* determines that preparation of a *DEIS* is not required, the public hearing on the *final subdivision plat* shall be held within sixty-two (62) days of the official submittal date.
 - (c.) If the *Board* determines that preparation of a *DEIS* is required, and a public hearing on the *DEIS* is held, the public hearing on the *final subdivision plat* and the *DEIS* shall be held jointly within sixty-two (62) days after the filing of the notice of completion of the *DEIS* in accordance with the provisions of *SEQRA*. If no public hearing is held on the *DEIS*, the public hearing on the *final subdivision plat* shall be held within sixty-two (62) days of the filing of the notice of completion.
 - (d.) Public hearing notice;
 - i. The Planning Board shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Planning Board an affidavit from the



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days before a hearing held jointly therewith. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Planning Board an affidavit from the newspaper confirming such publication and payment.

- ii. The applicant shall obtain from the City the names and addresses of property owners within a 250 foot geographic radius from the applicant's subject property boundary.
 - iii. The applicant shall receive from the Planning Board a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but not more than 20 calendar days prior to the scheduled hearing.
 - iv. Prior to the public hearing, the applicant shall submit to the Planning Board confirmation of the property owner notification by obtaining a "certificate of mailing" from the U.S. Postal Service.
 - v. Failure to provide notice in exact conformance with these provisions shall not invalidate a Planning Board determination provided the Planning Board finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed action.
- (c.) Public hearing length. The hearing on the *final subdivision plat* shall be closed upon motion of the *Board* within one hundred twenty (120) days after it has been opened.
9. County Planning Agency Review
- a. When a *preliminary subdivision plat* is not required, and prior to taking action on such a *final subdivision plat* application of real property as specified in Section 239-m of the General Municipal Law, the *Board* shall make referrals to the County Planning Agency or, in the absence of such agency, to a metropolitan or regional agency having jurisdiction in accordance with Section 239-1 and m of the General Municipal Law.
 - b. If within thirty (30) days after receipt of a full statement of such referred matter, the County



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Planning Agency to which referral is made, or an authorized agency of said agency disapproves the proposal or recommends modification thereof, the *Board* shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a decision fully setting forth the reasons for such contrary action and shall transmit said decision to the County Planning Agency within seven (7) days. The Chairperson shall read the report of the County Planning Agency at the public meeting on the matter under review.

- c. If the County Planning Agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the *Board* may act without such report.
10. Decisions on applications for *final subdivision plat*, Planning Board as lead agency are as follows:
- a. If the preparation of an environmental impact statement is not required, the *Board* shall make its decision within sixty-two (62) days after the close of the public hearing on the *final subdivision plat*.
 - b. If an environmental impact statement is required, and a public hearing is held on the *DEIS*, the *FEIS* shall be filed within forty-five (45) days following the close of the public hearing on the *DEIS* in accordance with *SEQRA*. If no public hearing is held on the *DEIS*, the *FEIS* shall be filed within forty-five (45) days following the close of the public hearing on the *final plat*. Within thirty (30) days of the filing of the *FEIS*, the *Board* shall issue findings on the *FEIS* and shall conditionally approve, with or without modification, disapprove, or grant *final approval* and authorize signing of the *final subdivision plat*.
11. Decisions on applications for *final subdivision plat*, Planning Board not as lead agency are as follows:
- a. If the preparation of an environmental impact statement on the *final plat* is not required, the *Board* shall make its decision within sixty-two (62) days after the close of the public hearing on the *final subdivision plat*.
 - b. If an environmental impact statement is required, the *Board* shall make its own findings and its decision on the *final subdivision plat* within sixty-



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two (62) days after the close of the public hearing on the *final subdivision plat* or within thirty (30) days of the adoption of the findings by the lead agency, whichever period is longer.

12. Approval of *final subdivision plat* in phases. In granting conditional or *final approval* of a *final subdivision plat*, the *Board* may permit the *plat* to be developed in two or more phases and may in its decision granting conditional or *final approval* state that such requirements as it deems necessary to insure the orderly *development* of the *plat* be completed before said phases may be signed by the Chairperson of the *Board*. Conditional or *final approval* of the phases of a *final subdivision plat* may be granted concurrently with conditional or *final approval* of the entire *plat*, subject to any requirements imposed by the *Board*.
13. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the *Board*. When denying a *final subdivision plat*, the *Board* shall relate the reasons for denial to Article 1, Section 2, the Purpose and Policy section of these regulations.
14. Certification and filing of the *final subdivision plat*.
 - a. No vested rights shall accrue to any *plat* by reason of *preliminary* or *final plat approval* until the actual signing of the *plat* by the Chairperson of the *Board*. All requirements, conditions, or regulations adopted by the *Board* applicable to the *final subdivision plat* or on all *subdivisions* generally shall be deemed a condition for signature of the *final subdivision plat* by the Chairperson of the *Board*.
 - b. The following requirements shall be met prior to filing of the *final subdivision plat* with County Clerk:
 - (1.) Before the *plat* is signed by the Chairperson of the *Board*, the *applicant* shall be required to complete, in accord with the *Board's* decision, all conditions and contingencies of the approval including, but not limited to, incorporating any design changes, obtaining all required permits and approval from other agencies, posting financial securities, payment of fees and providing all necessary technical specifications.
 - (2.) The *applicant* shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the

City of Saratoga Springs in the sum not less than ten thousand (\$10,000) dollars, which sum shall be determined by the *City* attorney before signing of the *final subdivision plat*.

(a.) Signature of the following statement:



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 The owner, or his representative, hereby irrevocably
 offers for dedication to the local government uses,
 easements, parks and required utilities shown in the
 within subdivision plat and construction plans in
 accordance with an irrevocable offer of dedication dated
 _____ and recorded in the Saratoga County Recorder
 of Deeds Office.
 By:

 Owner or authorized representative
 Date: _____

(b.) The *final subdivision plat* shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and *easements*, in a form approved by the *City* Attorney; and the *subdivision plat* shall be marked with a notation indicating the formal offers of dedication as follows:

(3.) Within five (5) business days of the adoption of the decision granting approval of the *final subdivision plat*, such *plat* with modifications, if any, as specified by the *Board* shall be certified by the Chairperson as having granted conditional or *final approval* and a copy of the *plat* and decision shall be filed in the City Planning Office and the *City* Clerk. A copy of the decision shall be mailed to the *applicant*. In the case of a conditionally approved *plat*, the approving decision shall include a statement of



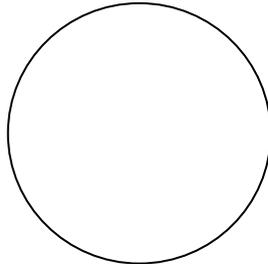
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requirements which when completed will authorize the signature of the *plat*. Upon completion of the specified requirements the *plat* shall be signed and a copy of the signed *plat* shall be filed with the City's Planning Office.

- (4.) Two (2) reproducible mylars and two (2) paper prints of the *subdivision plat* shall be filed by the *applicant* with the City's Planning Office. Each *plat* shall have each of the following statements:

DESIGN CERTIFICATION

I, _____, Registered Professional _____ in the State of New York License No. _____, do hereby certify that the street system, water system facilities, sanitary sewer system facilities, and storm drainage facilities for this project have been designed in accordance with all applicable state, county, local and city standards.



Stamp and sign to the left

Approval

Approved under authority of a decision adopted on _____ by the Planning Board of the City of Saratoga Springs.



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Chairperson

Dated: _____

(5.) The Chairperson shall sign each *plat*. The *Board* shall provide back one signed reproducible mylar for filing in the Office of the Saratoga County Clerk by the *owner*.

15. Duration of approval of final plat. Approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The planning board may extend for periods of ninety days each the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances.
16. Default approval of *preliminary* or *final subdivision plat*. The time periods prescribed herein within which the *Board* must take action on a *preliminary subdivision plat* or a *final subdivision plat* are specifically intended to provide the *Board* and the public adequate time for review and to minimize delays the processing of *subdivision* applications. Such periods may be extended only by mutual consent of the *owner* and the *Board*. In the event that *final approval* is rendered by reason of the failure of the *Board* to act, the *applicant* may request from the *City Clerk* a certificate setting forth the date of submission of the *final plat* and the failure of the *Board* to approve or disapprove said *plat*. This certificate shall permit the *applicant* to file the *final subdivision plat* with the County Clerk, in the absence of signature by the Chairperson of the *Board*.
17. Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The planning board may extend for periods of ninety days each the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances.



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18. Filing of *final subdivision plat*; the *owner* shall file in the Office of the County Clerk the approved *final subdivision plat* or the approved phase of such *plat* within sixty-two (62) days from the date of *final approval* or the approval shall expire as provided in Article 3, Section 32 of General City Law. The following shall constitute *final approval*: the signature of the Chairperson or duly authorized officer of the *Board*; or the certificate from the *City Clerk's Office* as to the date of the submission of the *final subdivision plat* and the failure of the *Board* to take action within the time herein provided.
19. No building permits or certificates of occupancy shall be issued for the project until *final subdivision plat* approval has been given, the *plat* properly signed, the *plat* recorded with the County Clerk, any and all *financial security* are in place, and any and all other conditions of approval have been met.

§ 2. Procedures for Review of a Conservation Subdivision

A. Review Process

1. The *conservation subdivision* review process may involve the following two steps with an optional *sketch plan* review:
 - a. *Preliminary subdivision plat* review
 - b. *Final subdivision plat* review
2. An *applicant* may request a *sketch plan* discussion with the *Board* prior to the *applicant* making any formal *subdivision* submission.
 - a. The submission of a *sketch plan* is an option available to the *applicant*. It is a pre-application procedure. The *applicant* may exercise this option for a pre-application discussion for the purpose of seeking advice and direction.
 - b. During the *sketch plan* discussion the *applicant* and the *Board* may discuss the possible requirements of the project in relation to standards for *street* improvements, grading, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.



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3. *Preliminary subdivision plat review.* Review of a *preliminary plat* is mandatory for *conservation subdivisions* containing four or more *lots*.
 - a. The *preliminary subdivision plat* shall be reviewed by the *Board*, which shall hold a public hearing and make its conservation findings as required by Article IV, Section 1, Paragraph B.2. The notice and hearing procedures shall be the same as those for a *subdivision* contained in Article II Section 1, Paragraph C. In order to approve a *preliminary subdivision plat*, the *Board* must find that it complies with all relevant provisions of the *Zoning Ordinance*.
 - b. *SEQRA* compliance for the *preliminary subdivision plat* shall be the same as required by the General City Law, Section 32, and in Article II, Section 1, Paragraph C, of these regulations for a *preliminary subdivision plat* application.
 - c. *Preliminary subdivision plat* approval shall expire one (1) year from the date of approval if *final plat approval* has not been granted. Upon a written request from the applicant, the *Board* at its discretion may grant an extension of the approval. The length of the extension will vary depending on the basis of the request made.
4. *Final subdivision plat review.* The procedure for *final subdivision plat review*, including notice and hearing procedures, shall be the same as those for a *subdivision* plan contained in Article II, Section 1, Paragraph D of the *City's Subdivision Regulations*. In order to approve a *final subdivision plat*, the *Board* must find that it is consistent with the *preliminary subdivision plat* and complies with all relevant provisions of the *Zoning Ordinance*.
 - a. *SEQRA* compliance for the *final subdivision plat* shall be the same as required by the General City Law, Section 32.
 - d. *Final subdivision plat* approval shall expire one (1) year from the date of the approval. Upon a written request from the applicant, the *Board* at its discretion may grant an extension of the approval. The length of the extension will vary depending on the basis of the request made.

ARTICLE III – SUBMISSION REQUIREMENTS FOR SUBDIVISION



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- The City’s subdivision process is flexible and allows for the applicant to apply at the sketch plan, preliminary or final stage. The decision as to what application to file is left up to the applicant.
- The subdivision process in the City is progressive, meaning that as a subdivision application advances through each stage of review the level of information to be submitted gets more detailed.

Any *applicant* who proposes to develop a *subdivision* in the City of Saratoga Springs shall submit *plats* and other documents for approval as provided in this Article.

§ 1. Submission Requirements for a Sketch Plan Application

- A. The *sketch plan* submittal should include:
1. A location map showing that portion of the tract, which is to be subdivided in relation to the entire tract, and the distance to the nearest *street* intersection. All *streets* shall also be shown within two hundred and fifty feet (250’) of the *applicant’s* property.
 2. The name of the *owner* and of all adjoining property *owners* as disclosed by the most recent *City* assessment records.
 3. The tax map sheet, block and *lot* numbers, as available from the *City* Assessor’s Office.
 4. A map indicating all the utilities available, and all *streets* which are proposed, mapped or built and an indication of the utilities that will be provided within the *subdivision*.
 5. The proposed pattern and numbers of *lots*, *street* layout, and recreation areas, within the subdivided area.
 6. A map indicating all portions of the land within the *subdivision* subject to periodic inundation or flooding by storm water, including *wetlands* areas.
 7. General topographic information at ten foot (10’) intervals, or smaller, if available, relating to existing conditions and any proposed grading if known.

§ 2. Submission Requirements for a Preliminary Subdivision Plat Application

- A. Completed *subdivision* application form, receipt for payment or required application fee, and twelve (12) copies of the proposed *subdivision plat* and all supporting documents.



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- A preliminary application checklist is provided in Appendix E. This is useful in the assembly of a complete application.
- The final subdivision stage is the last step before a final decision by the Board. If approved, sufficient detail must be provided to allow for filing the subdivision with Saratoga County and constructing any roads, water lines, sewer lines and drainage systems that may be associated with the subdivision.

B. At a minimum the *preliminary plat subdivision* application submittal shall include:

1. *Preliminary plat*. Drawn accurately to an acceptable scale not smaller than fifty feet (50') to one inch (1"). The highlights of items to be submitted are as follows. A checklist of submission requirements is in Appendix D.
 - a. The name and address of the *owner* or *owners* of land to be subdivided and any professionals assisting in the application
 - b. The date of the map, approximate true north point, scale and title of the *subdivision*.
 - c. An illustrative plan for *lot* and *street* layout indicating plans for connections to existing streets.
 - d. An illustrative plan for wastewater disposal and handling stormwater runoff
 - e. Present zoning information.
 - f. *Watercourses*, marshes, rock outcrops, floodplains and *wetlands*, and other important land features.
 - g. A concept plan for recreation park or playground use, or other public or private reservation, or a statement of intent to contribute cash-in-lieu of recreation land in accordance with the fee schedule in Appendix A.
 - h. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements within City Code 200-A shall be required for Preliminary Subdivision Plat Approval.
2. The location of relevant natural features such as water courses or rock outcroppings.
3. All sheets shall be 24" x 36" in size. When more than one sheet is required, all shall be the same size, each sheet shall be numbered in sequence.
4. Completed Environmental Assessment Form, as required by *SEQRA* regulations.
5. Further Requirements: More detailed information may be required by the *Board* as a part of the *preliminary submission* in special cases.

§ 3. Submission Requirements for a Final Subdivision

Plat Application

- A. Completed *subdivision* application form, receipt for payment of required application fee, and twelve (12) copies

of the proposed *subdivision plat* and the supporting documents.

- B. At a minimum the *final subdivision plat* applications submitted shall include:
1. The *applicant* shall submit a *final subdivision plat*, to a scale not smaller than fifty feet (50') to one inch (1"). The *final subdivision plat* shall contain the same information, except for any changes or additions required by decision of the *Board*, as shown on the *preliminary plat*. The *preliminary plat* may be used as the *final subdivision plat* if it meets the applicable requirements and is revised in accordance with the *Board's* decision. All revision dates must be shown. The highlights of items to be submitted are as follows. A detailed checklist of submission requirements is in Appendix E.
 - a. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the *Board* in accordance with these regulations.
 - b. Indications of compliance with requirements of the State Department of Health and/or State Department of Environmental Conservation.
 - c. Standards of accuracy of elevations meeting City of Saratoga Springs requirements shall be noted on the map.
 2. Plan/Profile of each *street* and utility *easement*, with an acceptable horizontal scale not to exceed fifty feet (50') to one inch (1") and vertical scale of five feet (5') to one inch (1") showing the following:
 - a. All pavement, storm drains, sanitary sewers, gas lines and waterlines with appurtenances.
 - b. Pavement and utility stationing including all horizontal and vertical control points and grades.
 3. Signature and seal of a professional engineer and/or a land surveyor, both registered in New York State, or a qualified land *surveyor* under Section 7208 paragraph (n) of the Education Law.
 4. A North arrow.
 5. Standard title block.
 6. *Final plat*, and plan/profiles shall show all facilities, which the *subdivision* standards require. All lettering shall be neat and legible. All sheets shall be 24" x 36" in size. When more than one (1) layout sheet is required all shall be the same size, each sheet shall



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- A final application checklist is provided in Appendix F. This is useful in the compilation of a complete application.

be numbered in sequence and an index sheet of the same size shall be provided showing the entire *subdivision* to an appropriate scale.

7. In addition to the required drawings, the following documents shall be submitted as a part of the *final submission*.
 - a. An estimate of *construction* costs for the purpose of establishing a *financial security* to cover the full cost of all required improvements or a statement by the appropriate *City Representative* certifying that all improvements have been installed and approved.
 - b. Final design of bridges and stormwater facilities and the inclusion of a “Stormwater Management Report”.
 - c. Such other certificates, affidavits, endorsements or agreements as may be required by the *Board* in the enforcement of these regulations, including, but not limited to, zoning changes, variances, and special use permits.
 - d. Submission of a draft copy of a *developer’s agreement*, if required by the *Planning Board*, identifying the special terms and conditions of any approval at relating to *inclusionary zoning* or other special amenities provided in the *subdivision*.
 - e. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of City Code 200-A and with the terms of the preliminary plan approval shall be required for Final Subdivision Plat Approval.
8. A narrative description of the conditions or requirements for approval of the *subdivision* from the preliminary stage (if applicable). These conditions or requirements, to the extent possible, are to be illustrated on the *final subdivision plat* included with the application.
9. Further Requirements. More detailed information may be required by the *Board* as part of the *final submission* in special cases.

§ 4. Submission Requirements for a Conservation

Subdivision Application

- A. The *sketch plan* submitted need not be based upon surveyed data, but it should contain the following



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information:

1. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within two hundred and fifty feet (250') of the property.
2. The tax map sheet, block and *lot* numbers, as available from the *City Assessor's Office*.
3. Information regarding all known restrictions on the use of land including *easements*, covenants or zoning district classification.
4. A sketch showing the approximate area of the project that might constitute *constrained lands* (*wetlands*, floodplains, steep slopes, etc) and the area that might be classified as developable lands.
5. A concept plan to indicate what utilities would be available to service this *subdivision*.
6. An estimate of the number of *lots* and/or *units* that might be accommodated within the projects.

B. The *preliminary application* for a *conservation subdivision* shall contain the following. A Completeness Checklist is in Appendix F.

1. A *density* calculation, as described in Article IV, Section 1, Paragraph B. 1.
2. A conservation analysis as described in Article IV, Section 1, Paragraph B. 2., including a proposed conservation analysis map.
 - a. A schematic ("bubble") diagram showing which areas on the parcel would be developed and where land would be protected as permanent open space by a *conservation easement*. Such a diagram may, but need not, locate specific house sites, *lot lines*, or *road* alignments.
 - b. Additional submission requirements available from the Planning Department.

C. The *final application* for a *conservation subdivision* shall contain the following:

1. All the materials required for approval as provided in Article III, Section 3, of the *Subdivision Regulations*, unless waived by the *Board*.
2. Proposed *conservation easement(s)* for the protection of permanent open space land.
3. A clustered lot layout.
4. A final land-management plan for the permanent open space areas, to be incorporated into the *conservation easement* and made enforceable by the *City*.



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- A detailed Completeness Checklist for a Conservation Subdivision is in Appendix G.

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

5. Evidence of compliance with all *Board* requirements for any of the rural design and siting guidelines in Article IV-1D.
6. All drawings must have a statement that they are for construction and not just development approval.
7. Other submission requirements as specified by the *Board*.

ARTICLE IV - CONSERVATION SUBDIVISION REGULATIONS



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- Conservation subdivisions are intended to provide an innovative means for conserving unique natural features of the landscape.

§ 1. General Regulations

A. Purpose and Applicability:

1. The purpose of this article is to achieve a balance between well-designed residential *development*, meaningful open space conservation, and natural resource protection in the countryside by requiring *conservation subdivisions* instead of *conventional subdivisions*.
2. These regulations apply to all properties within the RR and SR-1 Districts, which encompass most of the area described in the Saratoga Springs Comprehensive Plan as the “Country Overlay Area.” The use of *conservation subdivisions* is intended to preserve tracts of environmentally and scenically significant undeveloped land in the “Country” part of Saratoga Springs, including *road corridors* and *buffers*, in order to maintain the historic settlement pattern and implement the Comprehensive Plan’s vision of a “City in the Country.” *Conservation subdivisions* result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact *development*, more walk-able *neighborhoods*, and more design flexibility than *conventional subdivisions*. *Conservation subdivisions* must satisfy the standards in Sections 1, Paragraphs B, C, and D. The procedure for approving *conservation subdivisions* is described in Article II, Section 2. Graphics in these regulations are included for illustrative purposes.

B. Standards for *Conservation Subdivisions*:

1. *Density Calculation*: The maximum density allowed for residential *units* is calculated by a formula based upon the acreage of “*unconstrained land*” on the property.
 - a. To determine unconstrained acreage, subtract from the total or gross acreage of the proposed *development* parcel, the acreage of *constrained land*.
 - b. To determine the number of allowable residential



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units or “base *density*” on the site, divide the unconstrained acreage by the allowable number of acres per *unit* required within the zoning district. Round down fractional *units* of 0.5 or less and round up fractional *units* greater than 0.5. Figure IV.1a through Figure IV.1c illustrates a *density* calculation on a site in a hypothetical *conservation subdivision* in an RR District.

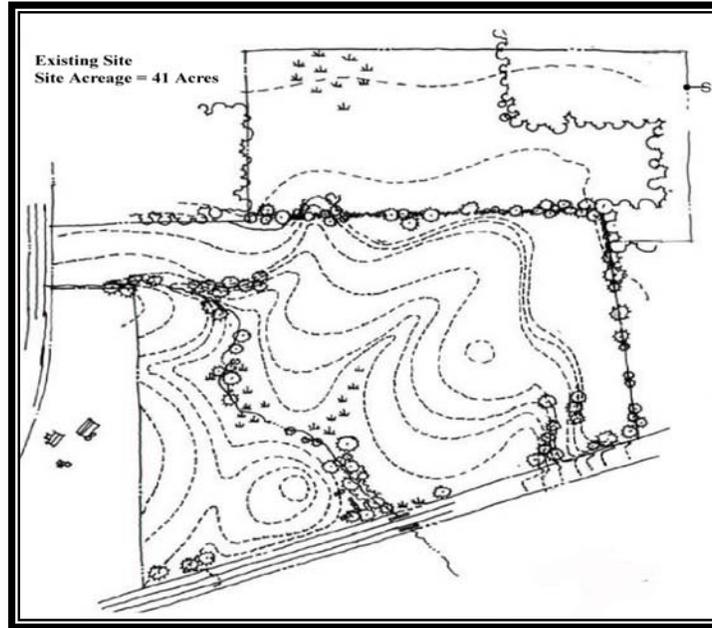


Figure IV.1a Existing Conditions Site Boundary

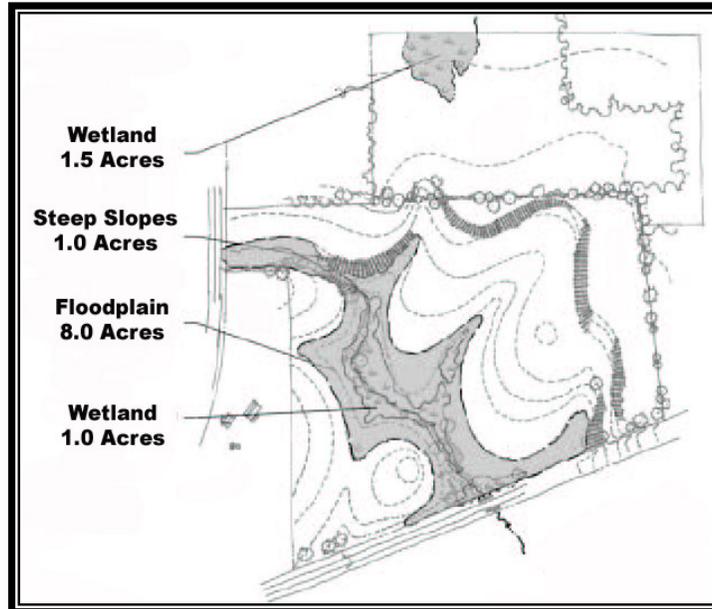


Figure IV.1b Constrained Land

Figure IV.1c Density Calculation for RR-2 District

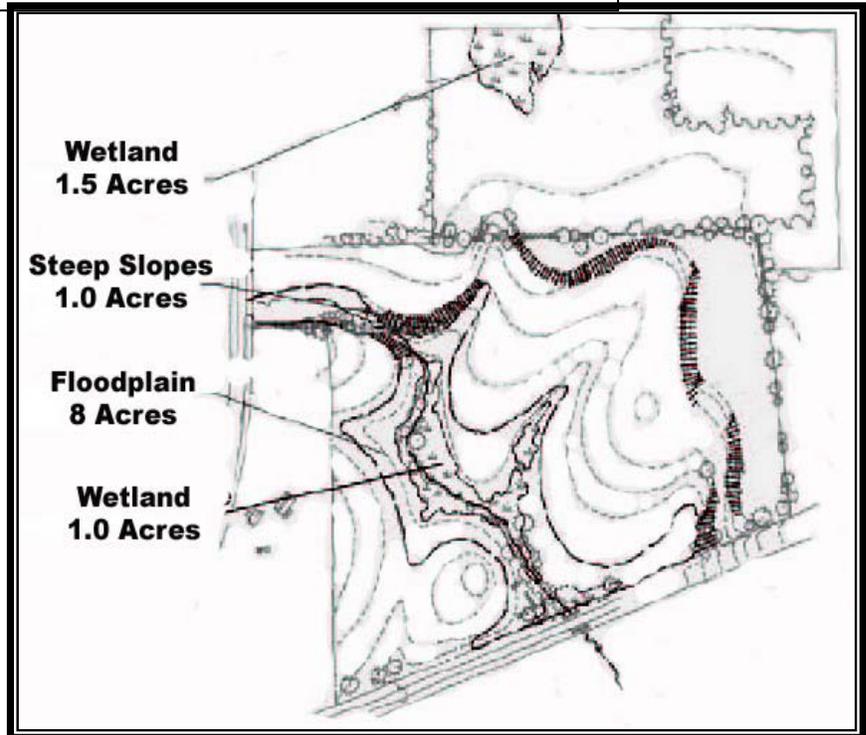
Total Site Acreage: 41.0 Acres

Constrained Acreage

Floodplain: 8.0 Acres
 Wetlands: 2.5 Acres
 (1.0 acre overlaps with Floodplain)
 Steep Slopes: 1.0 Acre
 10.5 Acres

Unconstrained Acreage
 30.5 Acres

Base Units Allowable: $30.5 \div 2 = 15.25$

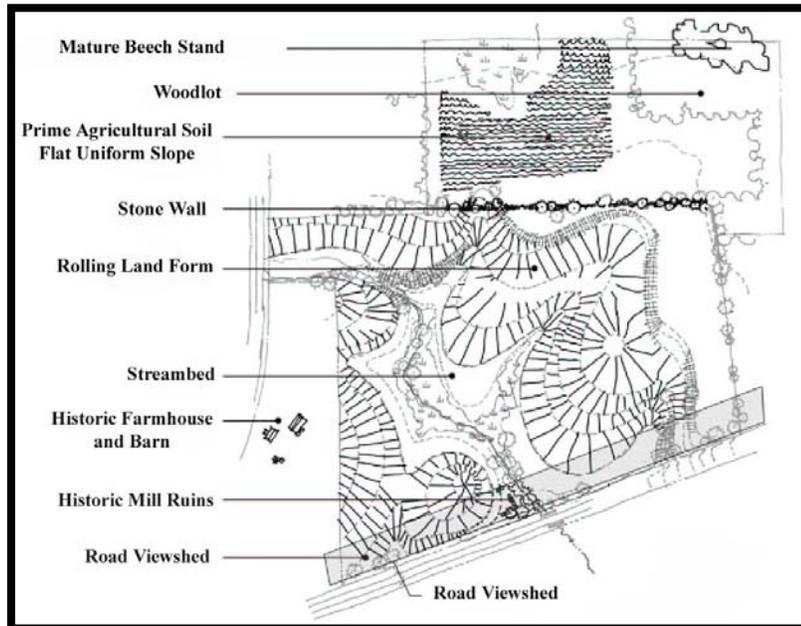


- c. The base *density* in Paragraph B.1.b. may be increased by up to twenty percent (20%) at the sole discretion of the *Board* if permanent public access will be granted to the protected open space land and any associated improvements as described in Article IV, Section 1, Paragraph C.
 - d. The *density* permitted by this section shall not be reduced as a result of the conservation analysis required in Article IV, Section 1, Paragraph B.2. below, or as a result of the reservation of *parkland* during the *subdivision* process.
2. Conservation Analysis:
- a. As part of a *preliminary subdivision plat* application procedure (see Article II, Section 1, Paragraph C), an *applicant* shall prepare a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. See Conservation Analysis Checklist in Appendix F. The conservation analysis shall show lands with conservation value, including but not limited to the following:
 - (1.) *Constrained land*;

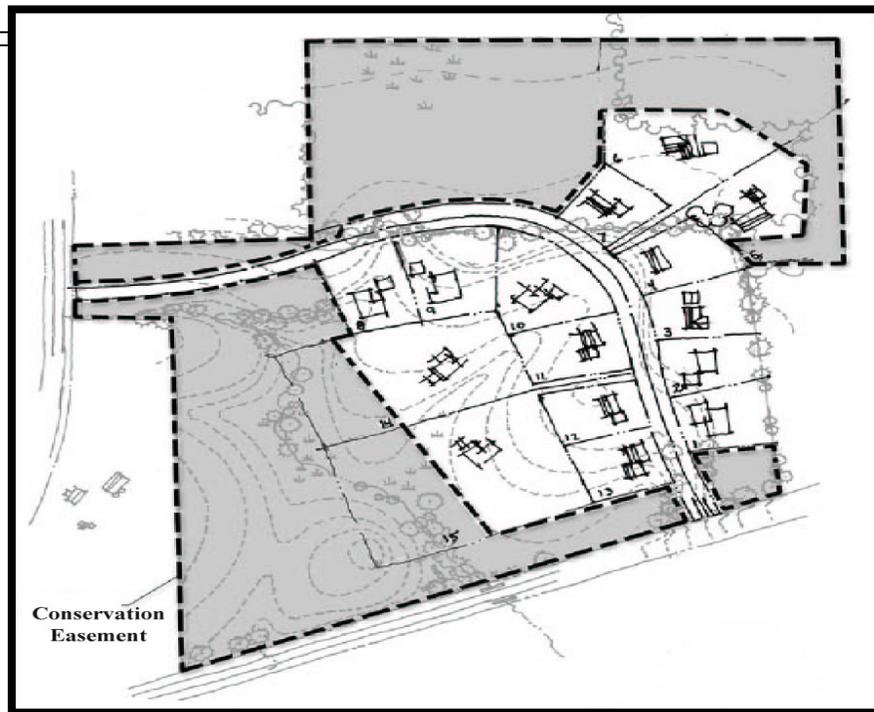


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- (2.) Open space and recreational resources described in the *City's Open Space Plan*;
 - (3.) *Buffers* to provide an area for installation of *screening* to obscure and enhance the view of new *development* from adjoining parcels;
 - (4.) Land exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.
- b. The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site. In the course of its initial *preliminary subdivision plat* review, the *Board* shall indicate to the *applicant* which of the lands identified as being of conservation value are most important to preserve.



*Figure IV.2a Conservation Analysis:
Inventory Map (see also Figure 4.1b)*



*Figure IV.2b Conservation Analysis:
Sample Preliminary Plan*

- c. The outcome of the conservation analysis and the *Board's* determination shall be incorporated into the approved *preliminary subdivision plat* (see Article II, Section 2, Paragraph A.3.) showing land to be permanently preserved by a *conservation easement*. The *preliminary subdivision plat* shall also show preferred locations for intensive *development* as well as acceptable locations for less dense *development*.
- d. The Board shall make the final determination as to which land has the most conservation value and should be protected from development by conservation easement. Whenever the *Board* approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the "conservation findings"). The *Board* shall deny an application that does not include a complete conservation analysis sufficient for the *Board* to make its conservation findings.
- e. The *preliminary subdivision plat* shall show the following as land to be preserved by *conservation easement*:
 - (1.) An amount of land no smaller than the total amount of *constrained land* identified in the analysis in Article IV, Section 1, Paragraph B.2. ; and



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- (2.) In the RR District, at least fifty percent (50%) of the land not preserved in Article IV, Section 1, Paragraph B.2. In the SR-1 District at least thirty-five percent (35%) of the land not preserved in Article IV, Section 1., Paragraph B.2.
- f. If, based upon the conservation analysis, the *Board* determines in its conservation findings that there is no reasonable basis for requiring a *conservation subdivision*; the *Board* may approve a conventional *development* of the site. In order for the *Board* to make such a determination, the *applicant* must demonstrate at least one of the following:
- (1.) The land contains no substantial resources with conservation value; or
 - (2.) The acreage is too small to preserve a substantial amount of land with conservation value (this criterion shall not be evaded by piecemeal *subdivision* of larger tracts); or
 - (3.) The *lot* configuration is unique and precludes preservation of a substantial amount of land with conservation value; or
 - (4.) That there are extraordinary circumstances unique to the parcel that demonstrates that *conventional subdivision* is in the best interest of the adjacent *neighborhoods*.
- g. In order to make the required showing under b. or c. above, the *applicant* must also demonstrate that the parcel does not adjoin other land that, when combined with open space on the parcel, would result in the preservation of a substantial amount of land with conservation value (including any portion of a designated trail corridor), regardless of whether or not the adjoining parcels have been protected as open space.
- h. An approval of a *conventional subdivision* shall refer to the conservation findings and may be conditioned upon the protection by *conservation easement* of portions of the site identified in the conservation analysis and findings as having conservation value.
3. Types of *Development* in a *Conservation subdivision*. The allowable residential *units* may be developed as single-family or two-family residences. Within a *conservation subdivision*, a maximum of twenty-five



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percent (25%) of the *units* may be placed in structures containing two *units*.

4. *Lot Sizes in Conservation Subdivisions.* There shall be no minimum *lot* size in a *conservation subdivision*. The *Board* shall determine appropriate *lot* sizes in the course of its review of a *conservation subdivision* based upon the purposes and design criteria established in this Article. In order to permit a *clustered lot* configuration, wells and septic systems may be located in areas of protected open space, provided that necessary *easements* are provided for maintenance of these facilities.
5. Other Area and Dimensional Requirements
 - a. There shall be no required area, bulk, or dimensional standards in a *conservation subdivision*, except that where such *subdivision* abuts an existing residence in a residentially zoned area, a suitable *buffer* area with suitable *screening* shall be required by the *Board*. This *buffer* shall be at least the same distance as the minimum rear or side yard setback in the district in which the abutting land is located.
 - b. The *applicant* shall specify dimensional requirements for a proposed *conservation subdivision* by identifying setbacks and other *lot* dimensions to be incorporated into the *final subdivision plat*.
6. *Conservation subdivision* of a portion of larger tract. The *Board* may entertain an application to develop a portion of a parcel if a conservation analysis is provided for the entire parcel and the approval to develop a portion of the parcel is not a basis for the *applicant* or successor in interest to subsequently request an exception under Article IV, Section 1, Paragraph B.2. for the remainder of the parcel.
7. *Conservation subdivision* design guidelines. *Lots* shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. The *lot* layout shall to the extent feasible comply with the design guidelines in Article IV, Section 1, Paragraph D. Permitted building locations or areas (“building envelopes”) shall be shown on the *final subdivision plat*.

- C. Permanent Open Space. Open space set aside in a *conservation subdivision* shall be permanently preserved



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as required by this Section. Any *development* permitted on land located in a *conservation subdivision* that is not protected as open space shall not compromise the conservation value of such open space land.

1. Conservation Value of Open Space. The open space protected pursuant to this Section must have “conservation value,” which shall be determined in the course of the conservation analysis in Article IV, Section 1, Paragraph B.2.
2. Permanent Preservation by *Conservation Easement*
 - a. A perpetual *conservation easement* restricting *development* of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the *City*, with the approval of the City Council, and/or to a qualified not-for-profit conservation organization acceptable to the *Board*. Such *conservation easement* shall be approved by the *Board* and shall be required as a condition of *final subdivision plat* approval. The *Board* shall require that the *conservation easement* be enforceable by the *City* if the *City* is not the holder of the *conservation easement*. The *conservation easement* shall be recorded in the County Clerk’s Office prior to or simultaneously with the filing of the *final subdivision plat* in the County Clerk’s Office.
 - b. The *conservation easement* shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation), and shall not be amendable to permit such use. *Access roads*, driveways, wells, underground sewage disposal facilities, local utility distribution lines, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures shall be permitted on preserved open space land with *Board* approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.
 - c. A land management plan, approved by the *Board*, shall be included in the *conservation easement*.



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The *conservation easement* shall provide that if the City Council finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the *City* may, upon thirty (30) days written notice to the *owner*, enter the premises for necessary maintenance, and that the cost of such maintenance by the *City* shall be assessed against the landowner or, in the case of a homeowner's association (HOA), the *owners* of properties within the *development*, and shall, if unpaid, become a tax lien on such property or properties.

- d. Preserved open space may be included as a portion of one or more large *lots*, or may be contained in a separate open space *lot*. The *conservation easement* may allow dwellings to be constructed on portions of *lots* that include preserved open space land, provided that the total number of dwellings permitted by the *conservation easement* in the entire *subdivision* is consistent with applicable *density* limitations of this Article.

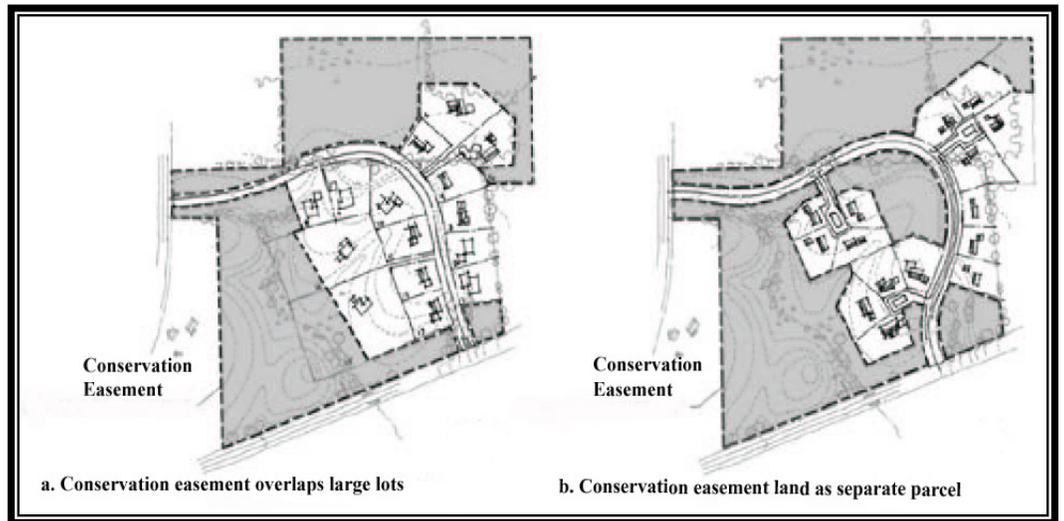


Figure IV.3 Conservation Easement Alternative Configurations

- 3. Notations on *final subdivision plat*. Preserved open space land shall be clearly delineated and labeled on the *subdivision final plat* as to its use, ownership, management, method of preservation, and the rights, if any, of the *owners* of *lots* in the *subdivision* and the



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public to the open space land. The *final plat* shall clearly show that the open space land is permanently preserved for conservation purposes by a *conservation easement* required by this Section, and shall include deed recording information in the County Clerk's office for the *conservation easement*.

4. Ownership of Open Space Land
 - a. Open space land shall under all circumstances be protected by a perpetual *conservation easement*, but may be owned in common by a HOA, offered for dedication to *City*, County, or State governments, transferred to a non-profit organization acceptable to the *Board*, held in private ownership, or held in such other form of ownership as the *Board* finds appropriate to properly manage the open space land and to protect its conservation value.
 - b. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
 - (1.) The HOA must be established before the approved *subdivision final plat* is signed, and must comply with all applicable provisions of the General Business Law.
 - (2.) Membership must be mandatory for each *lot owner*, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private *roads*, and other common facilities.
 - (3.) The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private *roads*.
 - (4.) Property *owners* must pay their pro rate share of the costs in Article IV, Section 1, Paragraph C. 4., and the assessment levied by the HOA must be able to become a lien on the property.
 - (5.) The HOA must be able to adjust the assessment to meet changed needs.
 - (6.) The *applicant* shall make a conditional offer of dedication to the *City*, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the *City*, at the discretion of the City Council, upon the failure of the HOA to take title to the open space from



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the *applicant* or other current *owner*, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

- (7.) Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual *owners* in the HOA and the dwelling *units* they each own.
- (8.) The *City Attorney's Office* shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (g) above, and such other conditions as the *Board* shall deem necessary.

D. Rural Design and Siting Standards. The following guidelines should be considered in the process of designing and siting uses in the Rural Residential and Suburban Residential-1 Districts. When locating new uses on the land there are many options in the siting, configuration, size and arrangement of elements in the landscape. These choices define the character of the developed landscape environment. These guidelines are examples of the preferred way to design and site uses but they should not be considered the only acceptable solution.

1. Four basic elements establish the character of a *development*. These basic elements are:
 - a. Landform: Landform encompasses gradient, slope form and orientation of *development* in relationship to the shape of the land. Landform is the signature element that is essential for achieving an environment that has its own identity or "sense of place".
 - (1.) In the RR and SR-1 Districts, locally distinct natural landform features should generally be left in a natural state.
 - (2.) Natural rural landforms are typically soft and roll due to the rounding effect of wind and water over time. Geometric landforms may also be present in areas of shallow bedrock or seasonal flooding. The character and diversity of the natural landform should be reflected in grading to accommodate *development*.

(3.) Minimize cuts and fills. When grading is necessary, slopes should be graded to mimic existing slopes and blend smoothly into the surrounding landform. Graded slopes should be a maximum of 1:5 and gradually blend into surrounding slopes.

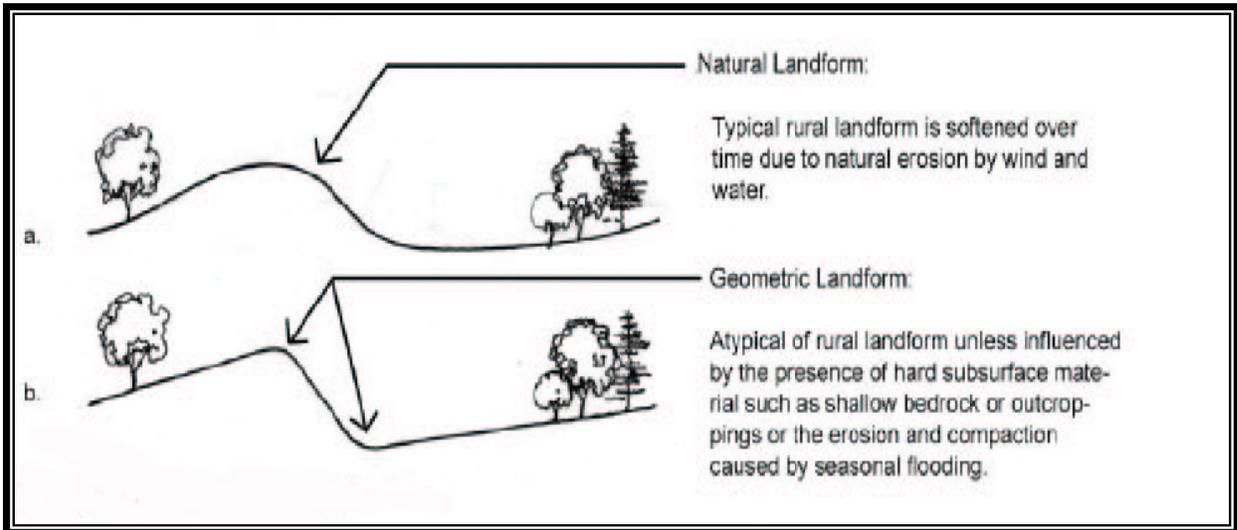


Figure IV.4 Landform Character

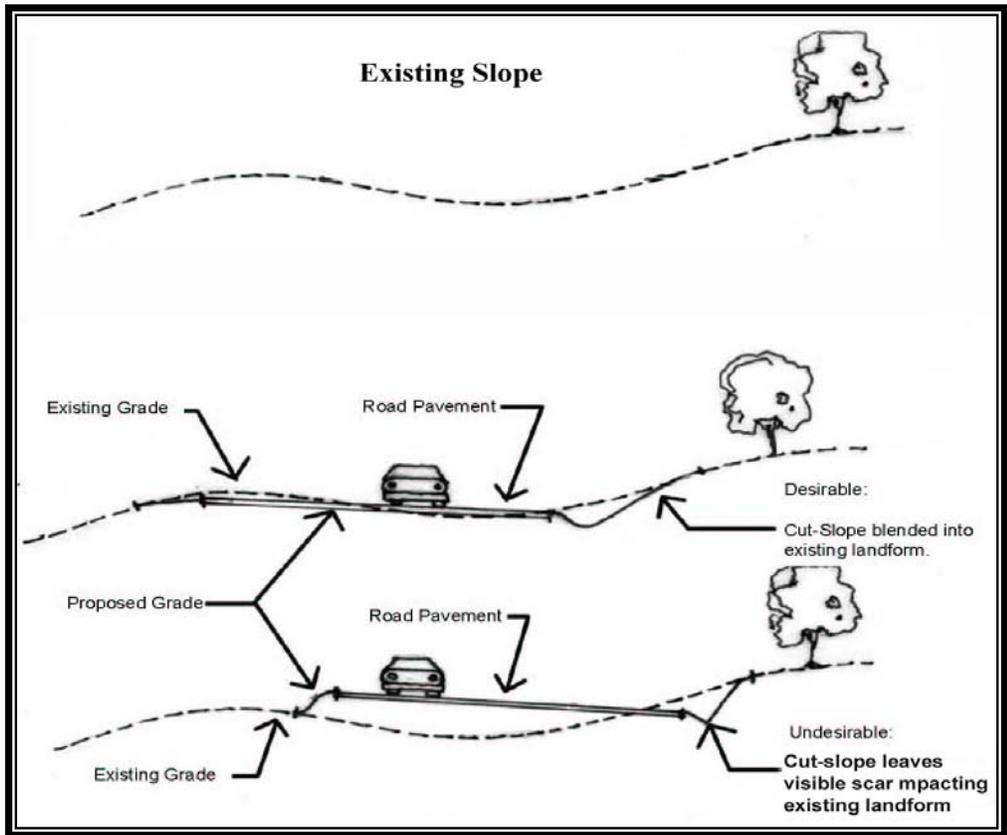


Figure VI.5 Blending Grading Into Existing Landform

- (4.) New *development* should not erase landforms that are indigenous to the area. Instead solutions should reflect and reinforce the area's own topographic features.

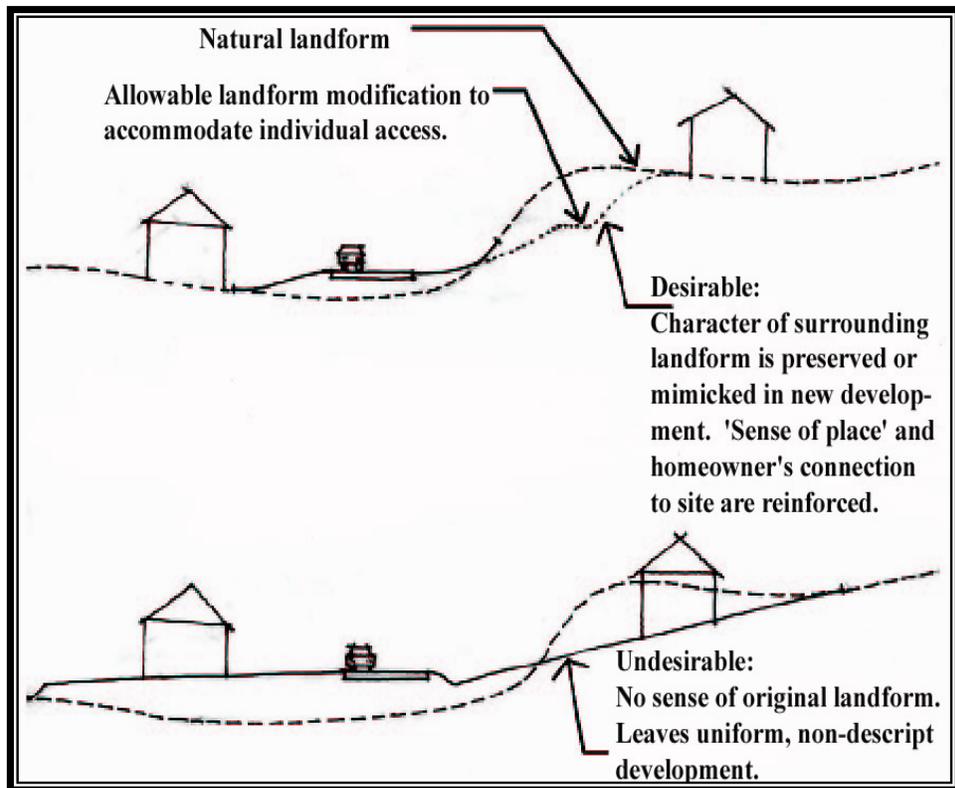


Figure IV.6 Landform Preservation

- b. Vegetation. Vegetation encompasses review of varying plant forms and their relationship to *development* and its mass on the landscape. In

addition to the benefits plants offer the ecological system (soil stabilization, clean air, wildlife habitat) their presence or absence, how they are configured or arranged, and their species has a significant influence on *development* character. Every effort should be made to:

- (1.) Preserve existing vegetation patterns and species mix and *density*.
- (2.) Select and place new vegetation in ways that enhance the rural indigenous vegetation characteristics.
- (3.) Vegetation in undeveloped rural areas is typically *clustered*. Rural vegetation should not be in geometric patterns that are associated with the urban environment.

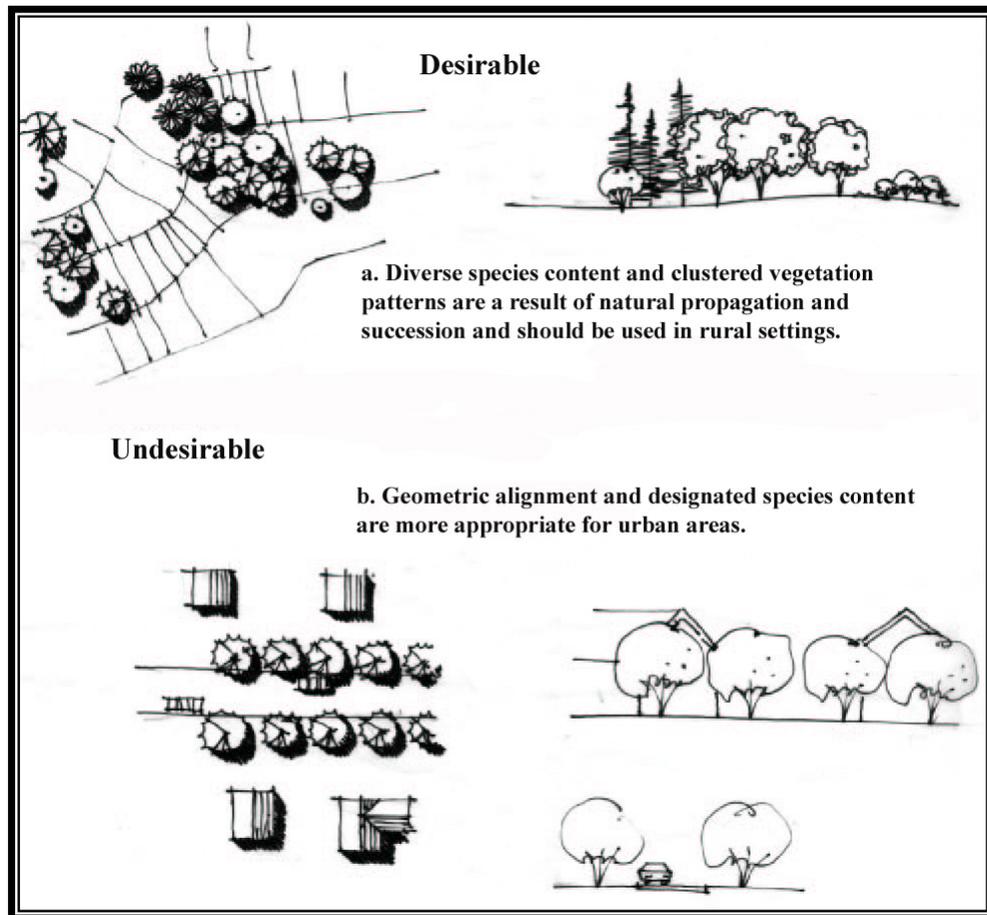


Figure IV.7 Vegetation Types and Patterns

- (4.) In the rural environment vegetation, not structures, is the primary determinant of how

- far we can see and where we look.
(5.) Use existing vegetation and topography to screen new buildings if possible.

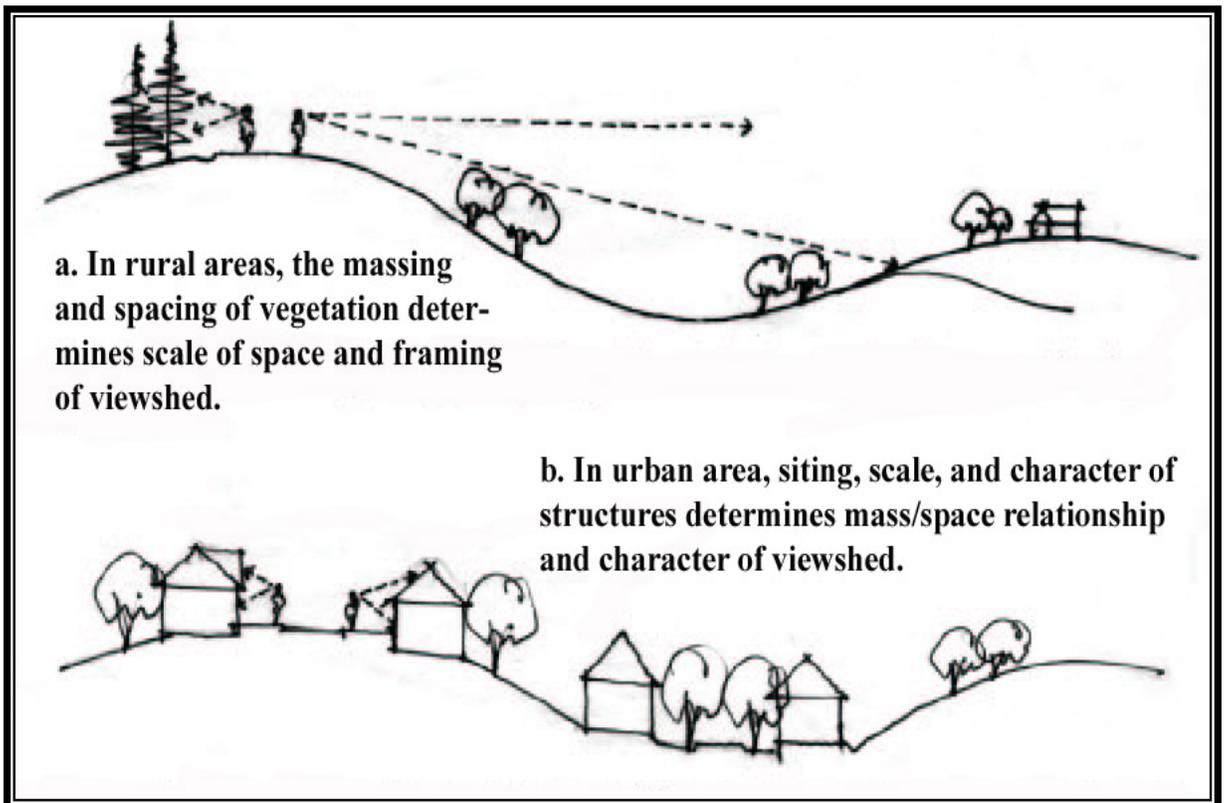


Figure IV.8 Framing Views

- c. Structures. The height, placement, forms and patterns of building envelopes can establish an urban or rural character to any *development*. The intent of this section is to identify building envelopes, forms and patterns that are complementary to and reflective of rural characteristics.
- (1.) Building envelopes in rural areas should be designed to maximize the preservation of the site's natural features (e.g. landform, vegetation). Whereas, in more urban

environments, sites are more often modified to accommodate the building.

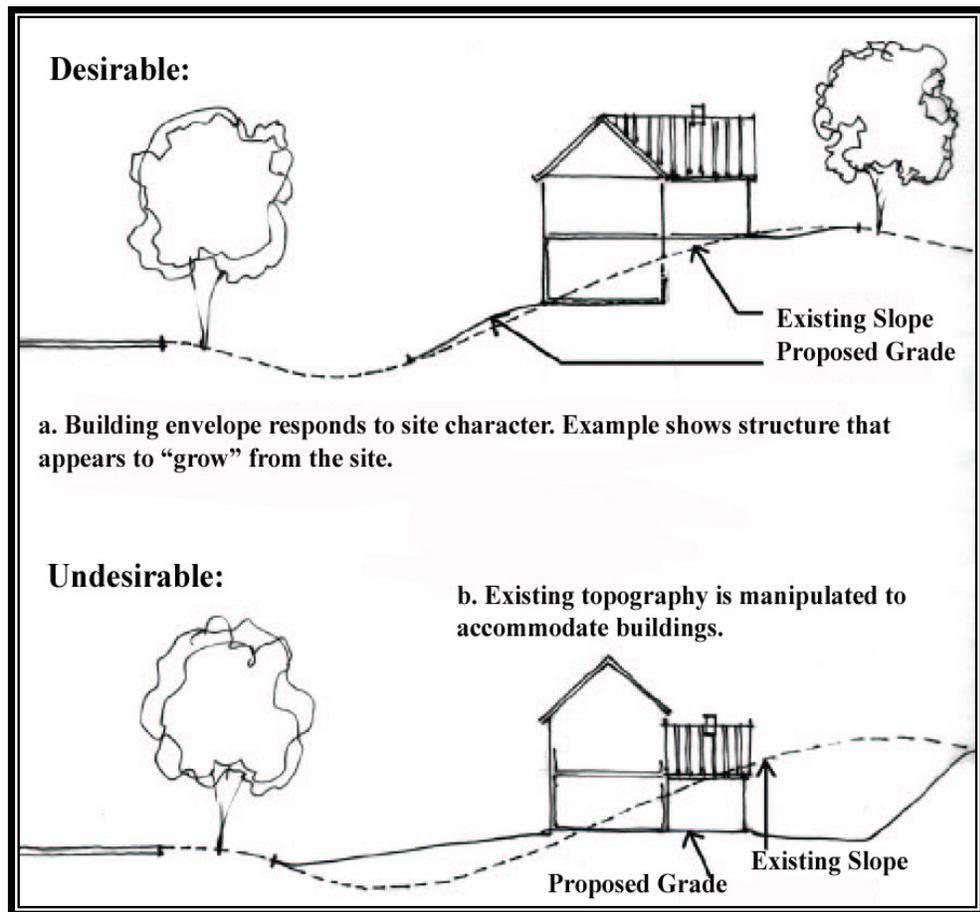


Figure IV.9 Siting of Structures

(2.) The placement of building envelopes in relationship to *streets* and highways critically affects the character of a community. Varied setbacks provide a different experience than a *street* where buildings are placed uniformly along a *street*. Rural placement is historically deeper and more varied than in urban environments and therefore recommended.

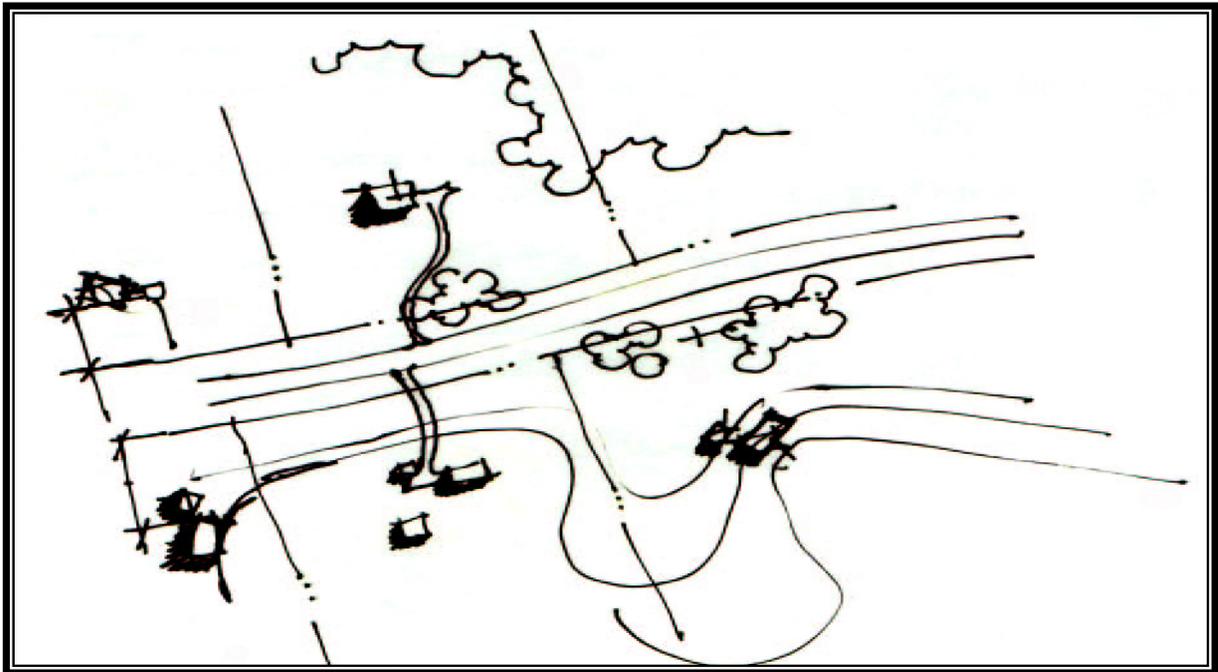


Figure IV.10 Rural Road with Varied Setbacks

- (3.) When building envelopes must be placed in open fields they should be oriented to and reflect the alignment and orientation of the site's natural features.

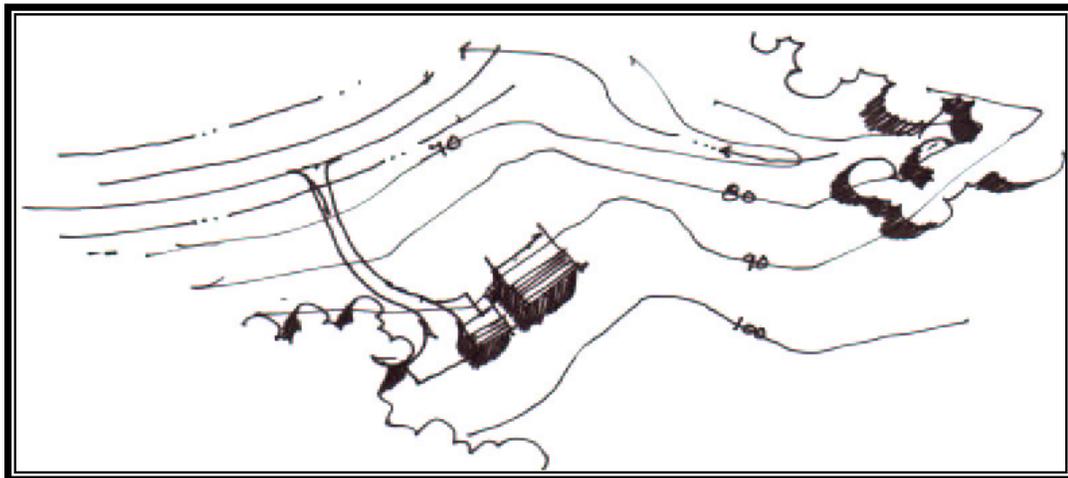
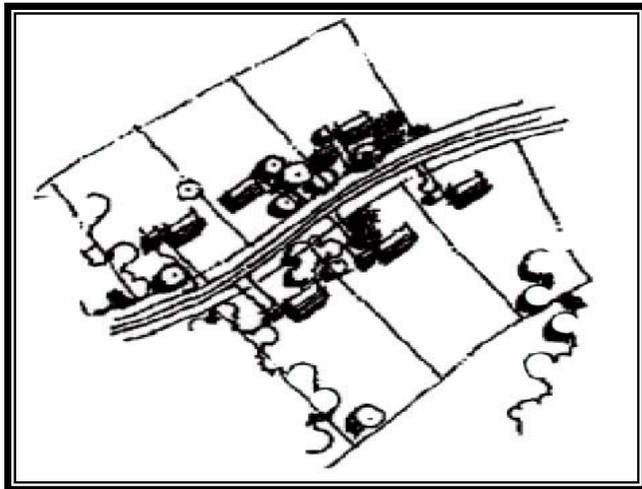
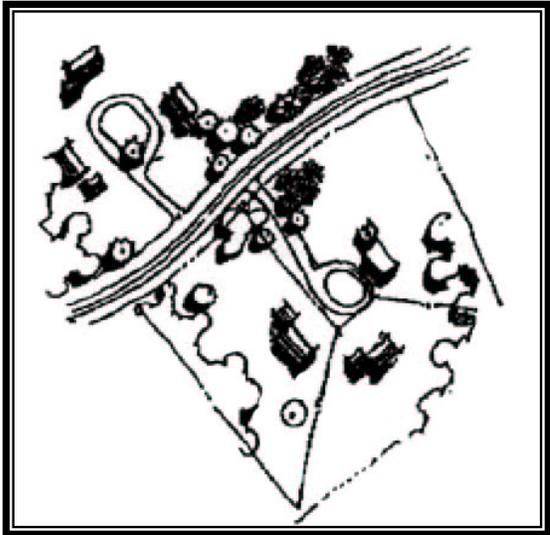


Figure IV.11 Orient Structures to Align with Topographic Character of Land

- (4.) Site building envelopes so that treetops and crest lines of hills as seen from public places and roads will screen future buildings. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
- (5.) Group building envelopes in *clusters* or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a “sprawl” pattern.



*Figure IV.
12a Neighborhood Cluster*



*Figure IV.
12b Hamlet Cluster*

- (6.) The dominant visual context from the *rural roads* should be of natural and agricultural features, with structures visually subservient. Typically *development* should be interior *lot development* with seventy percent (70%) of the immediate highway view shed preserved.
- (7.) The following structural guidelines apply only to structures in *conservation subdivisions*, which are also located in architectural review districts. The intent in these areas is to have the mass and roof forms of structures contribute to the rural character of the *development*. These guidelines are examples of the preferred way to design and site uses but they should not be considered the only acceptable solution.
- (a.) Massing of structures or structural elements influences rural character. Historically, rural buildings were often an assemblage of additions. These additions over time created a complexity of roof forms that have become icons associated with our rural agrarian environments.
- (b.) Rural roof form options include, but are not limited to, symmetrically pitched or hip roofs with or without gables and horse barn type roof ends.

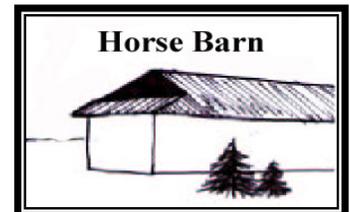
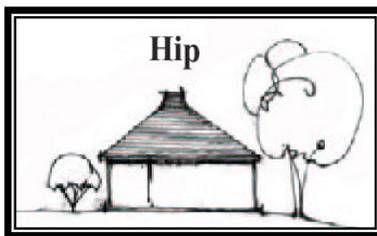
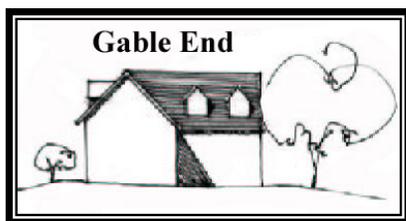


Figure IV.13 Roof Forms

- d. Circulation Systems. Circulation systems are comprised of both vehicular and pedestrian systems. In general rural vehicular and pedestrian systems are curvilinear in alignment, a pattern that evolved out of historic systems following the lines of least resistance (e.g. *stream* corridors) following natural landforms. It is only in more urbanized conditions that *roads* and *streets* should take on geometric forms reflecting the built environments they move through.

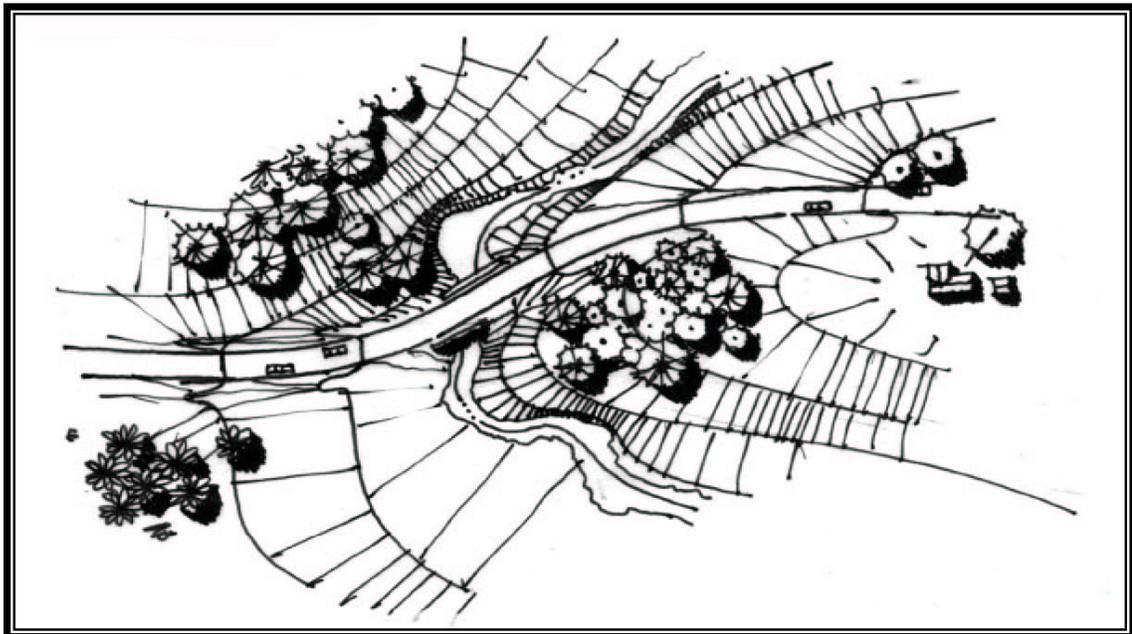


Figure IV.14
Curvilinear road alignments are created by following the line of least topographic resistance

- (1.) Whenever possible roads (and the resultant lot layout) should be planned and designed so the site's cultural and environmental features are preserved and enhanced.
- (2.) Vehicular and pedestrian circulation systems should retain and reuse historic farm roads and lanes. This guideline allows a *development* to build upon the site's historic context while minimizing clearing and disruption of the landscape. Care should be taken to apply this guideline only where its implementation would not destroy the historic lanes, hedgerows and stonewalls it was meant to preserve.
- (3.) Otherwise, vehicular and pedestrian circulation systems should be arranged to reflect the patterns of the site landform, vegetation, water bodies and vegetation massing.

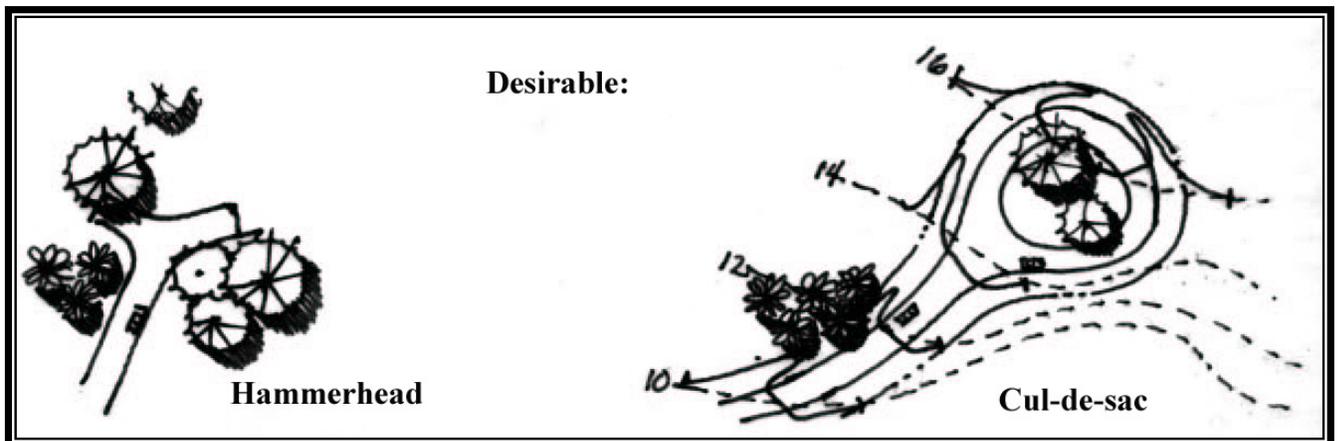
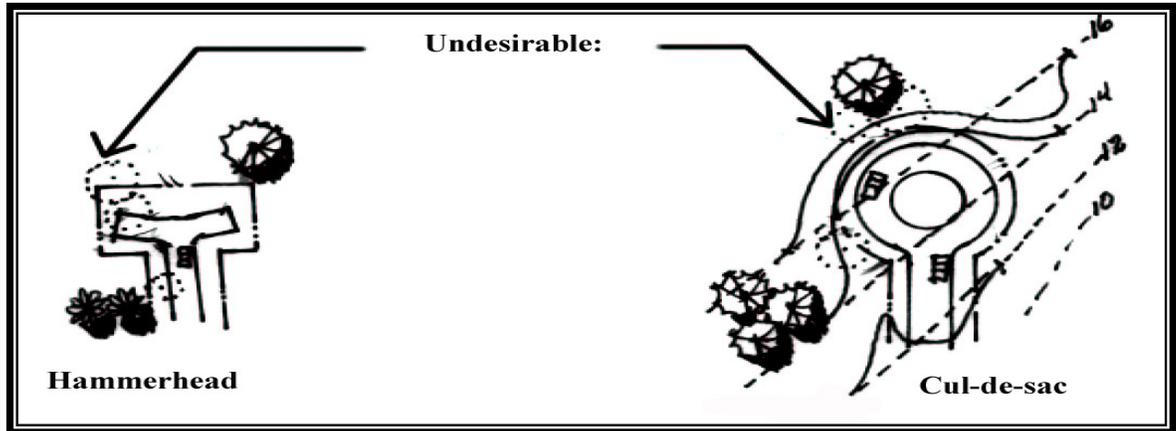


Figure IV.15a Subdivision Roads: Form responds to and enhances natural rural character. Features such as streams, vegetation and landform are incorporated into the design.



*Figure IV.15b Subdivision Roads:
Design using arbitrary geometric forms that require the removal of existing vegetation and dramatic alteration of site character and/or topography.*



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- (4.) Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- (5.) Rural road edges are historically unprotected (e.g. no curbs or gutters, with only a shoulder for user safety.)
- (6.) Trail systems connecting destination areas should be comprised of flexible materials (e.g. asphalt, stone dust, bark) and connect areas of concentrated development.
- (7.) Trails should be informal in nature and occur in rear yards.
- (8.) Sidewalks should only be used to connect facilities within areas of concentrated development.

§ 2. Cluster Development



User Guide:

- A. Applicability
Clustering provisions are limited to the UR-1 and SR-2 Zoning.
- B. Intent
1. The intent of this Article is to permit variation in conjunction with a proposed *subdivision plat* in *lot* size and housing type in suitable areas in order to encourage flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of *streets* and utilities and to preserve the natural and scenic qualities of open space, in accordance with Section 37 of the General City Law. This purpose is achieved by permitting a reduction in *lot* sizes required for the zoning district within which such *development* occurs while maintaining the imposed *density* limitations through the provision of open space. These regulations apply to all properties within
 2. It is the intent of this Article to promote energy conservation, harmonious architectural design, better use of existing topography and natural features, conservation of open spaces, recreational *development*, solar *access* and design, and to provide for economies inherent with *cluster-type development* and *conservation subdivisions*.
- C. Delegation to the *Board*. The power to approve, approve with modifications or disapprove *cluster* zoning in accordance with the intent established in Article II above, is granted to the *Board* in accordance with Article 3, Section 37 of the General City Law.
- D. Purposes:
1. Residential Amenity
 - a. High quality site design resulting from flexible site and *lot* standards.
 - b. Creation of open space usable for recreation, either active or passive.
 2. Conservation
 - a. Preservation of significant natural and manmade characteristics of the site.
 - b. Preservation of flood plains slopes subject to erosion, and other environmentally sensitive areas.



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3. Efficient and economic use of land resources
 4. Comprehensive Land Use Planning
 - a. Coordination with City of Saratoga Springs Comprehensive Plan and other applicable County, State, Federal and Regional plans and programs.
 - b. Maintenance of the residential character of Saratoga Springs, while increasing the variety of housing opportunities available.
 - c. *Development* or redevelopment of land in a manner appropriate to the special characteristics of each site and present and future needs of the *City*.
- E. General Conditions (Amended 8/3/99)
1. *Clustering* shall apply only to single family detached residential developments within the UR-1 or SR-2 residential zoning district where single-family detached *units* are permitted. In no case will other housing types be permitted.
 2. In determining the allowed *density* of a *conservation subdivision*, the *Board* shall require the submission of a *conventional subdivision* plan showing the maximum number of *lots* that could reasonably be approved in conformance with the zoning and *subdivision* regulations for the district the project is proposed, and taking into account natural resource constraints such as slopes and *wetlands*. The number of *lots* that can be developed in accordance with such a plan shall be known as and constitute the base *density* for the *subdivision*.
 3. *Density* of residential *units* shall not exceed the base *density* as calculated in Article IV, Section 1, Paragraph B.1., except that the *Board* may allow up to 20% greater *density* where it finds that:
 - a. The project provides exceptional open space or public recreation benefits. Examples of such benefits include the provision of a new recreational opportunity available to the public in an area where there has not been such an opportunity; the provision of public access to an important natural or park area; and the permanent protection of an important environmental resource.
 - b. The project provides a desirable mix of affordable housing. Examples of such a mix include the provision of at least 20% of the housing mix below the median housing price. Such houses or *lots*

shall be set aside for purchase by low and moderate income households, as those terms are currently defined by the *City's* Community Development Office. The *Board* may establish such other conditions with respect to the purchase and occupancy of affordable housing, as it deems appropriate.

- c. The decision to allow such bonus shall be at the sole discretion of the *Board*.
- 4. *Clustering* may be applied to *subdivisions* of any size.

F. Application Procedures (Amended 8/3/99)

- 1. A *sub-divider* may request the use of this section at any time during the *subdivision* review process. The process and procedures shall be identical to those found in the current edition of the *Subdivision* Regulations of the City of Saratoga Springs. The *Board* shall review modifications in dimensional requirements of the *City* zoning requirements according to the provisions of Section 37 of the General City Law.

E. Standards Governing *Clustering* (Amended 8/3/99). Any average *density development* considered shall conform to the following standards which are to be regarded as minimum requirements:

- 1. The *Board* shall determine that a *cluster development* or *conservation subdivision* will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed *development* is in conformity with the objectives of the *City's* Comprehensive Plan, and that the gross *density* will be no greater than if the tract were developed in accordance with the existing zoning requirements.
- 2. When such *development* is proposed adjacent to any existing residence or residential area, a suitable *buffer* area, as the *Board* determines, but at least the same distance as the minimum rear or side yard setback in the district in which the project is located, shall be left between the closest *lot line* of any *lot* in an existing residential *development* area or a conventionally *platted* residential map that has been filed with the Saratoga County Clerk, and the closest structure in the residential *cluster development* contained on a



clustered lot.

3. There shall be no other setback requirements except as specified in 240-4.12B. Zero *lot lines* are allowed.
4. The *development* shall have dedicated, as a minimum, for open space purposes the same percentage of the entire tract as that by which the *lots* have on the average been reduced. The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the *Board* during *subdivision* review and in addition, the *Board*, as a condition of approval, may establish such conditions on the ownership, use and maintenance of such open space lands as it deems necessary to assure the preservation of such lands for their intended purpose.
5. *Lots* in a *conservation subdivision* may be of any size.
6. All the land not contained in the *lots* or the *road right-of-way*, if provided, shall be contiguous and of such size and shape as to be usable for recreation, either passive or active.
 - a. Such land may:
 - (1.) Be dedicated to the *City*, provided the *City* is willing to accept such dedication;
 - (2.) Be transferred to a not-for-profit corporation approved by the Attorney General's Office, pursuant to Section 352(e) of the General Business Law, comprised of *owners* of *lots* within the *development*; or
 - (3.) Be transferred to a bona fide charitable not-for-profit corporation whose purposes include the acceptance of land for open space, conservation, protection of environmentally sensitive areas, or the like.
 - b. The *applicant* shall notify the *Board* of its intention prior to the grant of *final subdivision approval*, and shall supply the *Board* with such reasonable documentation that it may request evidencing its intentions and indicating the ability and/or willingness on the part of the proposed recipient to receive such lands for such purpose.
 - c. The *applicant* may be required by the *Board* to incorporate into the deeds of all property within the *development* a clause giving to the *owners* an *easement* or other interest in such open land which shall be used for recreation or other like purposes and, further, provide the City of Saratoga



User Guide:

Springs with an *easement* providing for the same, which may be enforced by the *City* to insure the continued use of the property as common area.

No structure save those incidental to the recreational functions shall be permitted thereon.

- d. Common open space shall, unless otherwise waived by the *Board*, be directly accessible to each residential *unit*.
 - e. The open space lands shall be subject to taxation, unless deeded to the *City* or to a qualified charitable corporation.
7. In the event that the organization established to own and maintain common property, or any successor organization, shall fail to maintain the common property in reasonable order and condition in accordance with the plan, the *City* may assume responsibility for such maintenance and assess the cost equally against the properties within the *development*.
8. The developer shall be responsible for maintaining open space until such time as it is legally accepted by the *City*, HOA or other designated entity.

ARTICLE V – ADMINISTRATIVE PROCEDURES



User Guide:

- Administrative procedures allow for limited instances for approval of boundary line adjustments by the Board Chairperson .

- A. These provisions provide regulations relating to procedures that can be accomplished by the staff of the *City Planning Office* and the Chairperson of the *Board*. The Chairperson and City Planning staff shall determine the applicability, if any, of these administrative provisions.
- B. *Minor Amendments to Approved and Filed Subdivision Plats or Legally Existing Lots* – minor amendments to approved and filed *subdivision plats* or legally existing lots shall require review by the City Planning Office and the *Board Chairperson*. *Minor amendments* may include *lot line adjustments*, and non-substantive changes to an existing approved subdivision and must be reviewed and approved by the *Board Chairperson*. The adjustment cannot result in a configuration that violates any provision of the *City Zoning Ordinance* or any zoning variance granted by the *Zoning Board of Appeals*. Any amendment deemed substantive by the Board Chairperson in consultation with the City Planning Office will require review and determination for action from the *Planning Board*.
- C. The Chairperson shall provide a written account of administrative determinations actions taken at the next regular meeting of the *Board* subsequent to the date of the determination and/or action. This report shall be provided to the Clerk of the *Board* and read into the record.

ARTICLE VI – VARIANCES, MODIFICATIONS AND REVIEW



User Guide:

A. Where the *Board* finds that because of unusual circumstances of shape, topography or other physical features of the proposed *subdivision* or because of the nature of adjacent *developments*, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured: provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the *Official map*, *Zoning ordinance*, these regulations, or ordinances of the *City*.

B. In granting changes and modifications, the *Board* may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.

C. Any officer, Department or Board of the *City*, with specific approval of the City Council, or any person or persons, jointly or severally aggrieved by any decision of the *Board* concerning a *plat* decision, may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a Court of Record on the ground that such decision is illegal or improper in whole or in part. Such proceeding must be commenced within thirty (30) days after the signing of the *subdivision plat* plan.

ARTICLE VII - WAIVER



User Guide:

The *Board* may waive, subject to appropriate conditions or guarantees, for such period as it may determine, the provision of any or all such improvements as in its judgment of the special circumstances of a particular *plat* or *plats* are not requisite in the interests of the public health, safety and general welfare. The *Board* may not waive improvements, which the public interest requires. The *Planning Board* shall not approve exceptions or waivers of conditions unless it shall make the findings based upon the evidence presented to the *Board* that in each specific case:

- A. The granting of the exception or the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.
- B. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable, generally, to the other property.
- C. Because of the particular physical surroundings, shape, or topographical condition of the property involved, a particular difficulty for the *owner* would result, as distinguished from a mere inconvenience, if a strict interpretation of these regulations were carried out.
- D. The relief sought will not, in any manner, vary the provisions of the City of Saratoga Springs *Zoning Ordinance*, *Comprehensive Plan* or *Official Map*, except that those documents may be amended in the manner prescribed by law.

ARTICLE VIII - SEPARABILITY



User Guide:

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operations to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application which is judged to be invalid.

Appendix*

A – Fee Schedule

B – Form for Public Notification

C – Form for Application for Subdivision

D – Completeness Checklist for Sketch Plan

E – Completeness Checklist for Preliminary Plat Subdivision

F – Completeness Checklist for Final Plat Subdivision

G – Completeness Checklist for Conservation Subdivision

H – General Requirements and Subdivision Design Standards

I – Performance Improvements and Performance Guarantees

J – Street Acceptance Checklist

*Note: The forms listed above may be modified at the sole discretion of the Planning Board.

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

Appendix A 1/18/11)	(amended
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All fees shall be established by resolution of the City Council.

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

Appendix B – Form for Public Notification

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Planning Board of the City of Saratoga Springs for a «TYPE» for «REASON» in a «Zone» District at «STREET» «STREET_NAME», in the City of Saratoga Springs, New York, being, Section «Section» Block «Block», Lot «Lot», «InOut» District, on the assessment map of said City, and that a public hearing on said application will be held before said Board on Day, of Month 20xx, Time p.m. at the City Hall, 474 Broadway, Saratoga Springs, New York.

«ApplicantLastName»
«ApplicantZip»

Applicant:
«ApplicantFirstName»
«ApplicantAddress»
«ApplicantCity», «ApplicantSt»

Print:
3 X

Bill to:
«ApplicantFirstName» «ApplicantLastName»
«ApplicantAddress»
«ApplicantCity», «ApplicantSt» «ApplicantZip»

(518) «ApplicantPhone»

Appendix C



CITY OF SARATOGA SPRINGS
PLANNING BOARD
CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866-2296
TEL: 518-587-3550 FAX: 518-580-9480
HTTP://WWW.SARATOGA-SPRINGS.ORG

APPLICATION FOR SUBDIVISION

1. Project Name:

2. Project Data

Location:

Tax Parcel Number: _____

Current Zoning:

Total Acres: _____ Land to be subdivided into:
_____ lots

3. Professional Representing Applicant:

Name: _____ Phone:

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

Address: _____ Fax: _____

_____ e-mail: _____

4. Type of Application and Application Fee: Total \$

If fee is required, a separate check payable to: "Commissioner of Finance" must accompany this application.

Preliminary Subdivision Plat Approval

1-20 Lots \$400

21-50 Lots \$600

51+Lots \$1,000

Fee submitted = \$

Final Subdivision Plat Approval

Residential - \$1,000 plus \$100/lot = \$

Non-Residential - \$1,500/lot = \$

5. Environmental Assessment Form – All applications must include a completed SEQR form. Guidance will be given regarding the need for submission of a long or short form

6. Cost estimates for Letter of Credit – All applications must include cost estimates.

7. Application Check List – All applications must include the application checklist.

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

8. Estimate of increase in water consumption: _____ gallons/day.
9. For all projects including new water connections to the City system, a copy of a signed water service connection fee agreement with the City Department of Public Works is required and MUST be submitted with this application.
10. Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES_____ NO _____.
If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.
11. Submit 12 copies of complete application including checklist, SEQR form, and all plans (must be 24" x 36").
12. Submission Deadline – All completed applications are due 3 weeks before the Planning Board meeting date.

I, the undersigned owner or purchaser under contract for the property, hereby request subdivision approval by the Planning Board for the identified property above. I agree to meet all requirements under the Subdivision Regulations for the City of Saratoga Springs.

Applicant Signature: _____Date:

Name: _____Phone:

Address: _____Fax:

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

-----e-mail:

Note: This form may be modified at the discretion of the City of Saratoga Springs Planning Board without amendment to the City Subdivision Regulations.

Appendix D

(Rev: 11/05)



CITY OF SARATOGA SPRINGS
 PLANNING BOARD
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 CITY HALL - 474 BROADWAY
 SARATOGA SPRINGS, NEW YORK 12866-2296
 TEL: 518-587-3550 FAX: 518-580-9480
 HTTP://WWW.SARATOGA-SPRINGS.ORG

APPLICATION FOR SKETCH PLAN SUBDIVISION PLAT
 COMPLETENESS CHECKLIST

*** TO BE COMPLETED BY THE APPLICANT FOR SUBMISSION AS PART OF
 THE APPLICATION ***

Project Name:

Checklist Prepared By: _____ Date:

Listed below are the minimum submittal requirements for plat content and presentation for a preliminary sketch subdivision plat application before the Saratoga Springs Planning Board. The Board reserves the right to request additional information, as necessary, to support an application. The Board also reserves the right to reject the application if these minimal requirements are not met.

YES N/A	NO	YOUR SKETCH PLAN SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
<input type="checkbox"/>	<input type="checkbox"/>	1. Name of subdivision
<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	2. Name, address and phone number of owner and purchaser under contract
<input type="checkbox"/>		

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	3. Name, address and phone number of subdivision surveyor and/or engineer
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	4. Site location map
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	5. Standard title block and map key
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	North arrow and map scale. Scale to be not smaller than fifty feet (50') to one inch (1")
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	6. General topographic information shown on the map
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	7. Existing zoning and required area and bulk requirements
YES NO N/A	YOUR SKETCH PLAN SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	8. Names of all adjacent property owners within two hundred and fifty (250') feet
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	9. Concept plan for layout of proposed lots
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	10. All existing streets with two hundred and fifty feet (250') shown on the map
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	11. All utilities indicated on the map
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	12. Concept plan for proposed layout of streets, highways, alleys, and sidewalks
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	13. Location of watercourses, marshes, vernal pools, rock outcrops, wooded areas and other important natural features

Note: This form may be modified at the discretion of the City of Saratoga Springs Planning Board without amendment to the City Subdivision Regulations.

Appendix E



CITY OF SARATOGA SPRINGS
PLANNING BOARD

(Rev: 11/05)

————— ❖ —————
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SARATOGA SPRINGS, NEW YORK 12866-2296
TEL: 518-587-3550 FAX: 518-580-9480
HTTP://WWW.SARATOGA-SPRINGS.ORG

**APPLICATION FOR PRELIMINARY SUBDIVISION PLAT
COMPLETENESS CHECKLIST**

*** TO BE COMPLETED BY THE APPLICANT FOR SUBMISSION AS PART OF
THE APPLICATION ***

Project Name:

Checklist Prepared By: _____ Date:

Listed below are the minimum submittal requirements for plat content and presentation for a preliminary subdivision plat application before the Saratoga Springs Planning Board. The Board reserves the right to request additional information, as necessary, to support an application. The Board also reserves the right to reject the application if these minimal requirements are not met.

YES N/A	NO	YOUR SKETCH PLAN SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
<input type="checkbox"/>	<input type="checkbox"/>	1. Name of subdivision
<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	2. Name, address and phone number of owner and purchaser under contract
<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	3. Name, address and phone number of subdivision surveyor and/or engineer
<input type="checkbox"/>		

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	4. Site location map
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	5. Standard title block and map key
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	6. North arrow and map scale. Scale to be not smaller than fifty feet (50') to one inch (1")
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	7. Existing zoning and required area and bulk requirements
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	8. Names of all adjacent property owners within 250 feet
YES NO N/A	YOUR PRELIMINARY SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	1. Concept plan for proposed recreational land, parks or other open or public spaces
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	2. Concept plan for proposed layout of streets, highways, alleys, and sidewalks
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	3. Location of watercourses, marshes, vernal pools, rock outcrops, wooded areas and other important natural features
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	4. Concept plan for wastewater disposal, storm drainage, gas lines and explanation of method to comply with the NYS SWPPP regulations
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	5. Indications of compliance with requirements of the NYS Dept. of Health and the NYS Dept. of Environmental Conservation
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	6. Estimate of increase in water consumption

Note: This form may be modified at the discretion of the City of Saratoga Springs Planning Board without amendment to the City Subdivision Regulations

Appendix F



CITY OF SARATOGA SPRINGS
PLANNING BOARD

(Rev. 11/05)

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SARATOGA SPRINGS, NEW YORK 12866-2296
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HTTP://WWW.SARATOGA-SPRINGS.ORG

**APPLICATION FOR FINAL SUBDIVISION PLAT
COMPLETENESS CHECKLIST**

*** TO BE COMPLETED BY THE APPLICANT FOR SUBMISSION AS PART OF THE
APPLICATION ***

Project
Name: _____

Checklist Prepared By: _____ Date: _____

Listed below are the minimum submittal requirements for plat content and presentation for a Final Subdivision Plat application before the Saratoga Springs Planning Board. If the subdivision is initiated with a final application, items on the preliminary application checklist must be submitted in addition to the items listed below. The Board reserves the right to request additional information, as necessary, to support an application. The Board also reserves the right to reject the application if these minimal requirements are not met.

YES N/A	NO	YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
<input type="checkbox"/>	<input type="checkbox"/>	1. Name of Subdivision
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	2. Name, address and phone number of owner and purchaser under contract
<input type="checkbox"/>	<input type="checkbox"/>	
YES	NO	YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

N/A	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>3. North arrow and map scale</p> <p>Scale may not be smaller than fifty feet (50') to one inch (1")</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>5. Standard title block and map key</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>6. Site location map</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>7. Scaled topography at two foot (2') contours</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>8. Identification and size of all utilities within two hundred and fifty hundred feet (250') of the site</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>9. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Planning Board</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>10. Indications of compliance with requirements of the NYS Dept. of Health and/or NYS Dept. of Environmental Conservation</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>11. Lots numbered as approved by the Office of the City Engineer with lot line dimensions for each parcel boundary</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>12. Parcels with tax map numbers and postal addresses</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>13. Existing zoning, setback lines, and required area and bulk requirements</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>14. Names of adjacent owners within two hundred fifty feet (250')</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>15. Location of watercourses, marshes, vernal pools, rock outcrops, wooded areas and other important natural features</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>16. All monuments erected, corners, and other points established in the filed in their proper places</p>

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>17. Identification of existing and proposed easements; covenants or legal right-of-way boundaries with dimensions, azimuths, or angle data and horizontal and vertical curve data, existing and proposed streets; and other pertinent features such as existing or proposed railways, buildings, cemeteries, drainage ways; bridges, etc. on the property</p>
<p>YES NO N/A</p>	<p>YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>18. Standards of accuracy of elevations meeting the City of Saratoga Springs requirements shall be noted on the plat</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>19. Signature and seal of a professional engineer and land surveyor, both registered in New York State, or a qualified land surveyor under section 7208, paragraph (n) of the Education Law</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>20. Location and dimensions of all property to be set aside for recreation uses, or other public or private reservation and conditions, if any, of the dedication or reservation; or a statement of intent to contribute a fee in lieu of land for recreation</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>21. Plan/Profile of each street and utility easement, with acceptable horizontal scale not to exceed fifty feet (50') to one inch (1") and vertical scale of five feet (5') to one inch (1")</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>22. All pavement, storm drains, gas lines and water lines to scale with appurtenances and inverts</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>23. Pavement and utility stationing including all horizontal and vertical control points and grades according to scale</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>24. Certificate of adequacy of proposed water supply and sanitary waste sewer disposal systems as required by the NYS Dept. of Health; the NYS Dept. of Environmental Conservation; and/or the NYS Public Service Commission</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>25. A copy of a signed water connection agreement with the City DPW for all projects involving new water connections to the City system</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>26. An estimate of construction costs for the purpose of establishing a letter of credit or bond to cover the full cost of all required improvements</p>
<input type="checkbox"/> <input type="checkbox"/>	<p>27. Final design of bridges, culverts</p>

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

<input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	28. Such certificates, affidavits, endorsements, or agreements as may be required by the Planning Board
YES NO N/A	YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	29. If an on-site water supply is to be utilized, a note stating: "All lot sales shall be contingent upon a contract addendum which specifies the location of water for the lot and guarantees the available flow capacity and water supply complies with the standards of Saratoga Springs and the NYS Dept. of Health standards."
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	30. Final design for all sanitary sewers, storm drains, gas lines and water lines with all appurtenances, and stationing (labeled to show size and material of each). Where appropriate a report prepared by the applicant's engineer explaining the means for compliance with the NYS SWPPP regulations
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	31. If a final application is being submitted following approval of a preliminary subdivision plat, a narrative description of the conditions to be met as specified in the approving decision and how the conditions have been addressed

Note: This form may be modified at the discretion of the City of Saratoga Springs Planning Board without amendment to the City Subdivision Regulations.

Appendix G



CITY OF SARATOGA SPRINGS
PLANNING BOARD

Rev: (11/05)

— ♦ —
CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866-2296
TEL: 518-587-3550 FAX: 518-580-9480
HTTP://WWW.SARATOGA-SPRINGS.ORG

**APPLICATION FOR CONSERVATION SUBDIVISION PLAT
COMPLETENESS CHECKLIST**

*** TO BE COMPLETED BY THE APPLICANT FOR SUBMISSION AS PART OF THE
APPLICATION ***

All items identified in the checklist below should be shown on the "conservation analysis map" that is required to be submitted with the application.

Does the project have any of the following Conservation Features?

YES	NO	FEATURE TYPE	DESCRIBE FEATURE VALUE
		CONSTRAINED LAND:	
		NYS Wetland (specify class of NYS wetlands)	
		Federal Wetlands	
		Watercourse (specify stream classification)	
		Other water bodies	
		100 –year floodplains	
YES	NO	FEATURE TYPE	DESCRIBE FEATURE VALUE
		Steep slopes -min. area 2,000 sq. ft. with slopes over 25% (describe soil & vegetation type; erosion potential)	
		Other natural features	

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

		Stream corridors – within 100’ horizontal distance of stream bank	
		Wooded areas of 1 acre or more	
		Trees uncommon by virtue of size, age or species (specify)	
		Rock outcropping	
		Cultivated land (specify leasee)	
		Water resource protection areas	
		Cultural Features	
		Historic sites (specify if state or nationally listed, eligible for listing, or locally identified)	
		Archaeological sites (burial grounds, cemeteries, building foundations, etc)	
		Hedgerows and stone walls	
		Scenic Vista/ Viewsheds from public roads, trails or parks	
YES	NO	FEATURE TYPE	DESCRIBE FEATURE VALUE
		Existing or planned trail connections	
		Buffer to adjacent properties	
		Other features, specify	

Appendix H

GENERAL REQUIREMENTS AND SUBDIVISION DESIGN STANDARDS**§ 1. General Requirements**

- A. Conformance to Applicable Rules & Regulations: In addition to the requirements established herein, all *subdivision plats* shall comply with the following laws, rules and regulations.
1. All applicable statutory provisions.
 2. The local government *zoning ordinance*, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
 3. The Official *Comprehensive Plan*, *Official Map*, Public Utilities Plan, and Capital Improvements of the local government, including all *streets*, drainage systems, and parks shown on the *Official Map* or *Comprehensive Plan* as adopted.
 4. The specific requirements of these regulations and any rules of the Health Department (DOH), Department of Environmental Conservation (DEC), and/or appropriate state agencies.
 5. The rules of the County or State Highway Department if the *subdivision* or any *lot* contained therein abuts a county or state highway or connecting *street* or if off site improvements will be done within the county or state highway *right-of-way*.
 6. The standards and regulations adopted by the *City Engineer* and all boards, commissions, agencies, and officials of the *City Government*.
- B. Self-Imposed Restrictions: If the *owner* places restrictions on any of the land contained in the *subdivision* greater than those required by the *Zoning ordinance* or these regulations, such restrictions or reference thereto may be required to be indicated on the *subdivision plat*, or the *Board* may require that restrictive covenants be recorded with the County Recorder of Deeds in form to be approved by the *City Attorney*.

§ 2. Standards

- A. The provisions and performance standards set forth in this Article shall apply to all *development* within the City of Saratoga Springs, which requires *subdivision*. The *final plat* for the *subdivision* of land, submitted to the *Board* for approval, shall bear the New York State seal of a Professional Engineer and Land Surveyor; or a qualified Land Surveyor under Section 7208, paragraph (n) of the New York State Education Law.
- B. All plans and procedures relating to the *subdivision* of land shall in all respects, be in full compliance with all *City Ordinances*, Codes and

Regulations, except where modification from these *subdivision* regulations may be specifically authorized by the *Board*.

- C. The following provisions and standards are issued as guides for design and *construction of subdivisions* by private developers. The *Board* may waive, require higher standards, or consider approval of a design or *construction* method, which is not included in these standards.

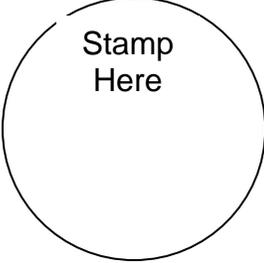
- D. The following *subdivision* design and *construction* standards shall be addressed and satisfied in connection with *subdivision* review and approval:

- E. *Survey Requirements*:
 - 1. A *survey* map of the property to be subdivided must be prepared by a licensed Professional Land Surveyor registered in the State of New York. The *survey* map must depict the mathematical and physical features of the property with relation to map lines, deeds of record, and/or other pertinent reference data, based upon an actual field *survey*.
 - 2. *Surveys* shall be prepared in accordance with the following minimum standards:
 - a. The *survey* map shall show the record description and all *easements* and instruments affecting title to the land being surveyed, including the book and page showing the recorded information, and all necessary reference descriptions including but not limited to those of adjoining properties. Where necessary to clarify the determination of the location of a particular line, the reference used, whether it be deed description filed map, or otherwise, shall appear on the *survey* map.
 - b. The *survey* shall be based on a closed balanced traverse and shall close mathematically. The boundaries, as well as the lines of interior *subdivisions*, shall contain all the data necessary to establish the correctness of the mathematical figure represented by said lines. In those instances where curves are not tangent additional information shall be given sufficient to form a closure.
 - c. A *survey* map shall give a clear presentation of the facts with due regard to the scale of the map. The North point shall always be indicated. Reference bearings and ties to existing surveyed points shall be indicated.
 - d. When the parcel surveyed is laid out on a filed map, the *survey* map must designate the title and date of the map.
 - e. The nature, character and location of all walls (independent, party or otherwise) at or near boundary lines must be given. Location of both sides of party walls shall be shown when accessible. If a building on the premises has no independent wall but uses any wall of the adjoining premises, this condition

shall be shown and explained. The same requirements shall apply where conditions are reversed. All encroaching structural appurtenances and projections by or on adjoining property or on abutting *streets* must be indicated if they are within ten feet (10') of the property line with a notation of apparent encroachment. Openings such as windows, doors, etc., in walls, and gates in fences, of premises surveyed or adjoining premises immediately adjacent to the boundary lines (other than *street* lines) must be shown.

- f. Where legal lines of a *street* are established by the City of Saratoga Springs they shall be shown. The width of the *street* where established shall be shown. Where the physical location of a *street* conflict with the official *right-of-way* or legal line the extent of the conflict shall be shown. Where there is no official lines of a *street* established, the width, as physically open and in use, shall be shown. Where there is any doubt as to the location on the ground of *street* and *lot* lines, namely, where the *streets* and *lots* have not been properly or definitely defined by *monuments* in the ground, or where there are errors in the setting of *monuments* or in the descriptions defining *streets* and *lots*, the nature of the difficulty shall be given and the apparent range of differences notes.
- g. When physical evidence of cemeteries or burial grounds exists, they shall be shown and when a record of cemeteries or burial grounds is supplied, this information shall be noted.
- h. *Surveys* of multiple parcels must clearly indicate contiguity, gores, or overlaps.
- i. All *monuments*, stakes and marks found or placed, must be shown and so designated.
- j. Existing topographic information shall be shown by spot grades and contour lines at two-foot (2') intervals. This topographic information shall be based on the *City's* datum and/or the Saratoga County geodetic control.
- k. Sufficient benchmarks and monuments shall be located to control the *subdivision* and mark identifying points and where possible, existing established benchmarks shall be referenced.
- l. If the premises were surveyed when covered with snow or other material so that any of the above conditions might have been concealed, this fact shall be indicated on the *survey* map.
- m. All property corners are to be set.
- n. The following certification accompanied by the stamp of the New York State license seal of the professional land surveyor and his name shall be included on the *subdivision plat*:

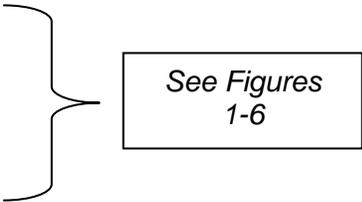
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**“THIS MAP WAS PREPARED FROM AN
ACTUAL FIELD SURVEY MADE IN
ACCORDANCE WITH THE EXISTING CODE OF
PRACTICE ADOPTED BY THE NEW YORK
STATE ASSOCIATION OF PROFESSIONAL
LAND SURVEYORS.”**

F. *Streets*:

1. In general, *subdivisions* shall be served by paved *streets* meeting the *City’s* standards. The actual design arrangement, and *construction* of all *streets* in any *subdivision* within the *City* shall be in conformity with the *Official Map* and/or *Comprehensive Plan* of the *City*.
2. Proposed *street* systems and *access roads* shall provide convenient and safe *access* and circulation (including collections, deliveries, and fire protection). The arrangement of *streets* shall be such as to provide for the appropriate extension of existing *streets*, conform to natural constraints (*wetlands*, slopes, etc.), and allow for continued extension into adjoining undeveloped tracts. When a *development* adjoins land capable of being developed or subdivided further, suitable provision shall be made for optimum *access* from the adjoining tract to existing or proposed *streets*. Street extensions or future street connections to adjoining properties shall be paved to the property line. Local *streets* and *access roads* shall be designed to discourage through traffic.
3. No *street* shall have a name, which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing *streets* so as to be confusing therewith. The continuation of an existing *street* shall have the same name. The names of new *streets* and the assignment of *street* numbers must be approved by the *Board* after consultation with the City Department(s) charged with maintaining the *City’s* address system.
4. *Streets* shall be classified into one of the following operational classifications:
 - a. *Alley*
 - b. *Urban local street*
 - c. *One-way street*
 - d. *Small rural road*
 - e. *Rural road*
 - f. *Urban street*



5. *Streets* classified within the urban principal or minor arterial system shall be designed for limited *access* for fast and/or heavy traffic. All

arterials shall be designed to meet the standards and specifications as set forth by the *City*, County, and/or State.

- 6. Dwellings shall not front onto *alleys*.
- 7. *Urban local streets* may be designed to accommodate alternating parking along one side of the *street*.
- 8. *Streets* classified within the urban or local systems shall be designed and constructed in accordance with the *City's* Standard Details and Specifications and shall meet the following standards:
 - a. The minimum *street right-of-way* (ROW) width, measured from *lot line* to *lot line*, shall be:

Minimum ROW Widths by Street Type

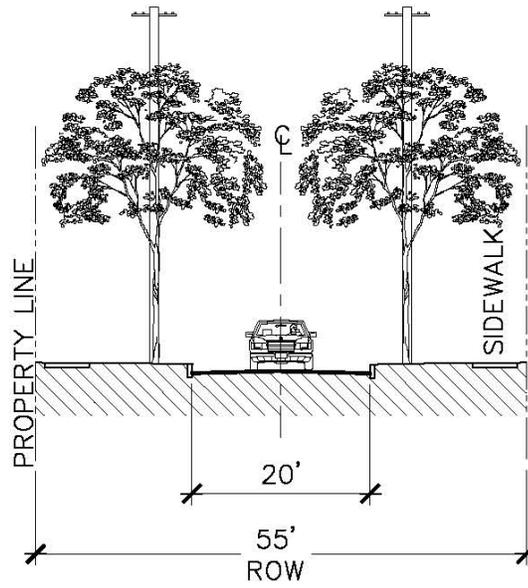
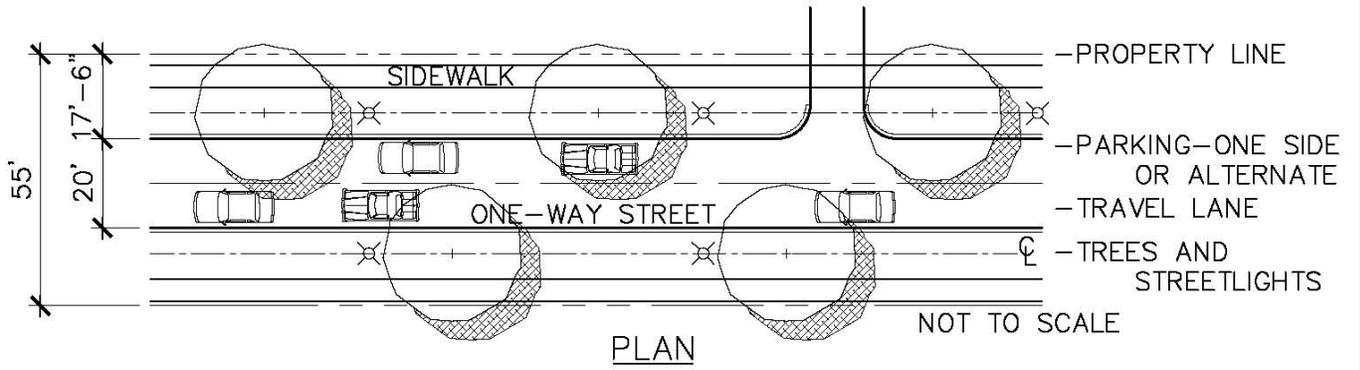
Alley	Twenty feet (20')
One-way Street	Fifty-five feet (55')
Small Rural Road	Fifty-five feet (55')
Rural Road	Fifty-five feet (55')
Urban Local Street	Fifty-five feet (55')
Urban Street - with parking on both sides	Sixty five feet (65')

In the event that a *development* adjoins or includes existing *City streets* that do not conform to the width requirements of this ordinance, additional land along both sides of said *street* sufficient to conform to the *right-of-way* requirements shall be offered to the *City*. If a *subdivision* is along one (1) side only, one half of the required extra width shall be offered to the *City*.

- b. The width of paving shall be centered within the *right-of-way* and pavement widths (measured from face of curb to face of curb) shall be:

Pavement Widths by Street Type

Alley	Twelve feet (12')
One-way Street	Twenty feet (20')
Small Rural Road	Twenty feet (20')
Rural Road	Twenty-four feet (24')
Urban Local Street	Twenty-eight feet (28')
Urban Street - with parking on both sides	Forty feet (40')



ONE-WAY STREET

Figure 3

NOTE:
Please refer to City of Saratoga Springs Design Standards for Placement of sewer lines, water lines, storm drainage components, street lights, hydrants, CATV cable, underground electrical lines, telephone lines, etc.

c. with the exception of traffic calming measures, a *street* that is a

continuation of an existing *street* should not be continued at a width less than the existing *street* although a greater width may be required.

- d. In no case shall *lot* frontage on *alleys* be considered as a front yard.
- e. Horizontal curves shall be used whenever there is a change in direction. A tangent of at least one hundred feet (100') shall be required between reverse curves. Minimum centerline radius for horizontal curves shall be:

Minimum Center Line Radius by Street Type

Urban	Four hundred feet (400')
Urban Local, One Way, Alleys and Rural	One hundred fifty feet (150')

- f. Vertical curves shall be used whenever there is a change in *street* grades exceeding an algebraic difference of one percent (1%). The following minimums shall be maintained:

Minimum Vertical Curves for Street Grades

	Minimum Length of Distance	Minimum Sight Vertical Curve
Urban	Two hundred feet (200')	Two hundred, fifty feet (250')
Urban Local, One Way, Alleys and Rural	One hundred feet (100')	One hundred, fifty feet (150')

*Plus sixty feet (60') for each 1% algebraic difference of grade

**Plus twenty feet (20') for each 1% algebraic difference of grade

- g. *Street* grades for all *urban, local* and *rural streets* shall not be less than one percent (1%) or greater than seven percent (7.0%). When *street* grades are less than one percent (1.0%) the cross section slope shall be increased as per the *City's* standard detail. Grades at *street* intersections shall be less than three percent (3.0%) for a distance of one hundred feet (100').
- h. Grading of all side slopes for all *urban streets* and *rural roads* shall be designed to insure a smooth transition between the existing and proposed grades. The maximum slopes shall be one on three (1:3).
- i. All graded (or otherwise disturbed) areas not scheduled for paving shall be fine graded, topsoiled, and seeded in accordance with the *City's* Standard Detail and Specifications.
- j. The *Board* may require guide rails along *streets*, which abut lakes, ponds, swales, or other natural or created conditions. The *Board* may require guide rails along *streets*, which are constructed on fills and the developer has received a waiver for

curbs. Guide rails shall conform to New York State Department of Transportation’s specifications.

- k. Intersections should be at an angle as near ninety degrees (90°) as conditions will permit and in no case more than one hundred five degrees (105°) or less than seventy five degrees (75°). Minor *street* intersections shall be separated by a minimum of one hundred-fifty (150’), centerline to centerline, and intersections of *urban streets* by other *street* shall be at least eight hundred feet (800’) apart. T-intersections shall be used where practical and cross *road* (four cornered) intersections shall be avoided except at important or major traffic intersections.
- 9. In general, dead end *streets* or cul-de-sacs will be discouraged unless provision is made for the future elimination of the dead end, or unless it can be demonstrated to the satisfaction of the *Board* that there is no other practical way to develop the property, i.e. physical constraints, slopes, *wetlands*, property configuration, etc. Cul-de-sac designs shall incorporate a reservation of ROW to allow for future continuation of the *street* to the adjoining property.
- 10. When dead end *streets*, or cul-de-sacs are permitted, either temporary or permanent, they shall serve no more than fourteen (14) residential dwelling *units* or be longer than six hundred feet (600’) in length (measured from the *street* intersection to the center of the cul-de-sac). Minimum cul-de-sac radii shall be seventy-five feet (75’) with a circular turn—around pavement of not less than one hundred feet (100’) in diameter. Permanent turnarounds, either “L” or “T” shaped are prohibited, except under unusual circumstances as determined by the *Board*.
- 11. In general, stub *streets* shall be discouraged, but when constructed stub *streets* shall be paved to the property line.
- 12. The length, width and acreage of *street* blocks shall be sufficient to accommodate the size *lot* required in the district in which it is to be located and to provide for convenient access and traffic circulation control. No block within a residential area shall exceed twelve hundred feet (1,200’) in length. Within commercial and industrial areas, block lengths shall be sufficient to meet area and yard requirements for such uses and to provide proper *street* access and circulation.
- 13. Shared driveways in both residential and non-residential subdivisions are encouraged. The following is a model easement that should be used to establish an agreement on maintenance of shared driveways:

Sample Easement

**Granting Adjoining Owner's Rights In A
Common Driveway**

THIS AGREEMENT, made this ___ day of _____, 20__ by and between the party of the first part (Part 1) and the party of the second part (Part 2).

WHEREAS, Party 1 is the owner in fee simple of certain premises described by a deed dated _____ and recorded in Saratoga County Clerk's Office on _____ in Book # _____; and

WHEREAS, Part 2 is the owner in fee simple of certain premises described by a deed dated _____ and recorded in the Saratoga County Clerk's Office on _____ in Book # _____ at Page # ____; and

WHEREAS, there exists a common driveway which lies in part on premises owned by Part 1 and in part on the premises owned by Part 2; and

WHEREAS, the said driveway will be used in common by persons seeking to gain access to the premises of each of the parties to this agreement; and

WHEREAS, in order for the parties and their invitees to park and maneuver their automobiles it is necessary for them to travel over premises owned by each of the parties; and

WHEREAS, each party desires to permit the other and his/her invitees ingress and egress over the common driveway; and

WHEREAS, the parties wish to provide for the maintenance of the driveway and other areas used in common;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, it is hereby agreed as follows:

1. Each party grants to the other, their heirs, successors, assigns and invites full and free access over the common driveway leading from _____ with full authority to enter and exit over said driveway for the purpose of gaining access to the premises of each of the parties hereto, as depicted on a map filed with the Office of the Saratoga County Clerk on _____ and _____. The common easement is delineated on said map.
2. The cost of future maintenance of the paved common driveway including snow plowing and seal-coating shall be borne equally by the parties to this agreement.
3. The responsibility for the coordination and direction of all maintenance of the common driveway shall be _____.
4. This agreement shall be binding on the parties hereto, their heirs, successors and/or assigns.

Signed:

(Party 1)

(Party 2)



G. Curb and Sidewalk Design:

1. Curbs and sidewalks shall be installed on both sides of all *local urban and urban streets*.
2. The *Board* may require, in order to facilitate pedestrian access from *street* to schools, parks, playgrounds, or other nearby *streets*, additional paved walks within perpetual unobstructed *easements* at least twenty five feet (25') in width.
3. The *Board* may waive these improvements if unique topographical features or hazards exist or if the *subdivision* meets any of the criteria that follow:
 - a. The individual *subdivision lots* have a frontage of two hundred feet (200') or more;
 - b. The *density* of the residential *subdivision* does not exceed one dwelling *unit* per net acre;
 - c. The zoning district in which the *subdivision* lies does not permit a *lot* size of less than forty thousand (40,000) square feet.
4. In reviewing a request for a waiver of this requirement, the *probable volume of pedestrian traffic, the development's location in relation to other populated areas or pedestrian traffic generators shall guide the Board*, and the general type of improvement intended.
5. When required and unless reduced or altered by the *Board*, all sidewalks shall be at least five feet (5') wide, located as approved by the *Board* and shall be constructed in accordance with the *City's Standard Details*.
6. When required and unless altered by the *Board*, all curbs shall be installed in accordance with the *City's Standard Details*.
7. ANSI standards for handicapped accessibility shall apply to all curbs and walks.

H. Storm Drainage: The storm drainage policy objective for the *Board* is to minimize the effects of *development* by ideally having the quantity and quality of stormwater runoff that reaches surface waters during and after *development* not be altered from *pre-development* conditions. As a general policy, the use of retention basins and other surface collection and storage approaches is discouraged. Subsurface infiltration or point discharge to a stream or municipal storm drainage system is preferred where conditions allow.

1. Surface drainage systems adequately designed to accommodate all surface runoff coming to or accumulating on the *subdivision right-of-way* shall be constructed. All components shall be designed for runoff from the entire contributing watershed (including runoff

- onto the site from adjacent properties) taking future *development* into account.
2. The storm water design and management shall take all point discharges and upstream and downstream cumulative drainage concerns into account. Drainage systems must be properly coordinated with surrounding properties to insure that runoff does not cause damage to other properties.
 3. A storm water management report shall be prepared and submitted to the *Board* for all *subdivisions*. The following criteria shall be used in designing for storm drainage:
 - a. For small watershed areas (less than one acre), the determination of pipe sizes and/or culverts shall be based on hydraulic computations using the Rational Method in which the actual tributary watershed area is measured, and a minimum runoff coefficient of 0.30 is used (in cases where dense residential, business or commercial *development* is anticipated this coefficient should be increased as conditions require). The following rainfall intensity/duration frequency shall be used:
 - One hour rainfall intensity of 1/2" to be expected once in ten (10) years for all single family, detached dwelling *unit subdivisions*;
 - One hour rainfall intensity of 2.0" to be expected once in twenty five (25) years for all commercial, industrial, and residential *subdivisions* other than single family, detached *units*.
 - b. For *land development activities* with disturbance greater than one acre, the "Stormwater Management Design Manual" prepared by the New York State Department of Environmental Conservation and dated August 2003 (or subsequent version as updated by NYSDEC) shall be followed. The stormwater management system must be designed to treat stormwater for quality and quantity according to the NYSDEC *SPDES General Permit for Construction Activities, Permit GP-02-01*. In addition to the stormwater management report required by the City, a Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) must be prepared in accordance with the GP-02-01 regulations and the NOI submitted to the NYSDEC for approval. The following basic guidelines must be followed.
 - All projects with greater than one acre of disturbance must adhere to GP-02-01. Projects of less than one acre of disturbance shall prepare only a stormwater management report for the City as stated in H.3.a.
 - All projects (residential, commercial, industrial, etc.) of greater than one acre of disturbance shall consult the GP-02-01 for detailed guidance. However, the following basic

guidance shall be used.

- The water quality volume, calculated according to the NYS Design Manual, must be treated for all new impervious surfaces of a project, including roads, drives, sidewalks, roofs, or other surfaces which do not allow water to infiltrate.
- The 1 year, 10 year, and 100 year 24-hour storm events must be attenuated to predevelopment rates, according to the NYS Design Manual.
- All projects which, according to the conditions of GP-02-01, require post-development stormwater management practices must adhere to the NYS Design Manual, to the extent practicable.

Selected and relevant chapters (Chapters 3, 4, 5, 6, 7 and manual Appendix E – Example Checklist for Stormwater Management Preparation and Review) from the aforementioned manual are included as an appendix to these regulations. A complete copy of the manual may be referenced at:

<http://www.dec.state.ny.us/website/dow/toolbox/swmanual/#downloads>

4. The following guidelines should be used in preparing storm sewer management plans:
 - a. Introduction: Should include project name, location, and a brief description of the site.
 - b. Site Characteristics: Should include elevations, type, and description of vegetative cover, type and size of existing buildings (if any), type and size of any impervious areas.
 - c. Existing Storm Sewer Facilities: Should include type, size, condition, of any storm sewer pipe, detention or retention basins, drywells and open channels receiving “major” flows.
 - d. Design Criteria: Provide a brief statement on the type of methodology used in the report. Acceptable methodologies include Rational Method, modified Rational Method, TR 55, TR 20 or any other method acceptable to the *City Engineer*, including computer generated analysis.
 - e. Pre/Post Development Maps: The report must include mapping based on a combination of field topography, USGS or other source and site observations. The report must also include any off site drainage that enters the site. The pre and post drainage areas must be clearly shown on the mapping.
 - f. Runoff Coefficients/Curve Numbers: Show calculations on how the composite runoff coefficient or composite curve numbers were calculated.
 - g. Intensity: Show how the rainfall intensities were determined. The report should include copies of all tables or charts used

- in the calculations or to document the intensities.
- h. Percolation (Perc) Tests and Soil Borings: The report must provide the perc tests and soil borings conducted to support any drywell or infiltration types used in the storm sewer design. The perc tests and soil borings must be current and must be dug at the approximate location of the proposed structures. They must indicate the depth of seasonal high groundwater and any rock formations encountered.
 - i. Proposed Storm Sewer Facilities: The report should include the type, size, and condition of any proposed storm sewer pipe, detention or retention basins, drywells and any new channels.
 - j. Calculations: The report must include the appropriate calculations for the methodology selected.
 - k. Volume Calculations: The report must include calculations for sizing all detention/retention facilities.
 - l. Conclusions: The report should provide a summary of the results including pipe sizes, detention/retention basin sizes, a table of percentages of pre and post amounts of building, green space and impervious areas. The report should also include a statement regarding the capability of down stream storm sewer facilities to handle the flows from the new project.
 - m. The report must be signed, sealed and dated by a licensed professional.
5. These guidelines are subject to modification after discussion with the *City Engineer*. In certain instances various portions of the guidelines may not be needed for the specific project.
 6. A storm water collection and disposal system shall be provided when tied into the City's storm water sewer. All storm sewers shall be constructed and installed in accordance with the *City's* Standard Details and Specifications.
 - a. All inlets, catch basins, manholes, frames, grates and covers, and other required appurtenances shall conform to the *City* standards.
 - b. Curved storm sewers are prohibited.
 - c. All inlets and catch basins shall be provided with sumps. All grates shall have openings designed as "bicycle proof".
 - d. Discharge areas shall be protected with riprap and filter fabric to prevent erosion.
 - e. In general surface flow on *streets* with curbs shall be limited to:
 - 1.) A maximum of three hundred-fifty feet (350'), or;
 - 2.) The quantity which will cause flooding of four feet (4') of the paved surface during the peak of the design storm.
 - f. When either e.1.) or e.2.) is reached, the flow shall be

- intercepted by inlets or catch basins and entered into the storm sewer.
- g. Inlets or catch basins shall be located to intercept runoff before it enters an intersection and at all low points.
 - h. Type and class of pipe and bedding conditions shall be as specified in the *City's* Standard Details and Specifications. Pipe sizes shall be determined by use of the Manning formula, however the minimum size of pipe to be used shall be twelve inches (12") diameter. The storm sewer shall be designed to provide a minimum flow velocity of two feet (2.0') per second and a maximum flow of fifteen feet (15') per second when flowing half (1/2) full. All pipes shall be designed for the overburden and live loads it will be subject to with an appropriate safety factor.
 - i. Storm drainage systems shall be provided for within the *street right-of-way*. Where topography, access to existing storm sewer, access to *streams* or brooks, or other conditions are such as to make impractical the inclusion of storm drainage facilities within the *street*, such facilities shall be provided across property outside the *street* line and within unobstructed *easements* at least twenty five feet (25') wide with access to the *street*. No structures (other than those required for the storm sewer), fences, pavement, etc. shall be placed within this unobstructed *easement*.
 - j. The installation of dry lines for storm sewers may be required if any reasonable plan exist for expansion of the *City*, County or State storm sewers in the area.
7. The *Board* may waive the requirement for storm sewers if the existing storm sewer is greater than two thousand feet (2000') from the *subdivision* and/or there are practical difficulties in tying into the existing system due to engineering limitations. A storm water management report detailing the proposed alternate method of handling the storm water runoff must accompany the request for waiver of the storm sewer.
 8. A comprehensive soil and subsurface investigation must be performed and a report submitted defining the nature of the soils, substratum, depth to groundwater and bedrock, percolation rate, and other pertinent data required by the *Board*.
 9. Test holes and percolation tests must be located in the areas considered for storm water management. Test holes should be dug in the spring season of the year and witnessed by a soils engineer or soil scientist who can determine seasonal high groundwater levels. Percolation tests must be conducted as outlined by the New York State Department of Health and witnessed by a soil scientist or professional engineer. If different soil layers are encountered when digging the test pits, a soil percolation test should be

- performed in each layer. The *Department of Public Works (Office of the City Engineer)* must be invited to witness all percolation tests. The applicant must make such invitation at least 48 hours prior to the time of the scheduled tests.
10. With approval of the *Board*, *subdivisions* may incorporate on-site surface or subsurface storm water detention, retention, or impoundment (ponds or lakes) facilities. Such facilities when proposed shall conform to all requirements and standards of the *City Engineer*. Appropriate *easements*, with *access* from a *City street*, shall be provided.
 11. A stormwater maintenance report shall be submitted specifying the requirements for maintaining the system and outlining the provisions (if any) for future connection to a storm sewer.
 12. Existing *downstream* drainage systems shall be evaluated for conformance with these standards. Should the existing systems be inadequate they shall be upgraded.
 13. Inter-basin transfer of water between watersheds shall be avoided to the maximum extent practical and, in no event, shall water be exported beyond the City of Saratoga Springs boundaries except by natural surface and ground water flows.
- I. Grading:
1. *Lots* shall be graded so that runoff from roofs, drives and other impervious surfaces flows toward a *street* except that such runoff may flow to the rear where a *watercourse* abuts the rear of a *lot*.
 2. A grading plan shall be required by the *Board* if the area contains limited (flat) or severe (steep) topography; or, if it is not practical to direct runoff to the *street*. Slopes of ten percent (10%) or greater may require special engineering and stabilization techniques.
 3. Proposed grading shall insure that all runoff is directed away from all buildings and the site is graded to prevent "local" ponding around the building area.
 4. Recommended building sites shall be located and proposed floor elevations provided.
 5. *Lots* having driveways sloping away from *streets* shall have the driveway graded and paved so as to provide a high point at or near the right—of—way or property line. This high point shall prevent *street* runoff from entering the *lot*.
- J. Erosion and Sedimentation Control: During *construction*, erosion of drainage swales and side slopes shall be prevented by means of hay bales and/or soil stabilization mats. Appropriate steps shall also be presented to assure soil stabilization and prevent erosion. The Board, at its discretion, may require additional erosion control measures be installed, even on projects involving less than one (1) acre.

K. Sanitary Sewerage:

1. A sanitary sewerage collection system shall be provided for all *subdivisions*. The Board may waive the requirement for a sanitary sewer if all the following conditions are met:
 - a. All the residential *lots* are single family with a minimum area of two (2) acres;
 - b. The existing soils, percolation rate at the specific septic site, depth to seasonal high ground water level, and depth to the bedrock meet the New York State Department of Health standards for a properly designed on-site septic system;
 - c. The installation of dry lines for sanitary sewers may be required if any reasonable plan exist for expansion of the *City* or County sanitary sewers in the area.
2. All sanitary sewerage systems shall be designed in accordance with the requirements of the City of Saratoga Springs, New York State Department of Environmental Conservation, the New York State Department of Health, and/or the Recommended Standards for Sewage Works adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers whichever is applicable.
3. The collection system shall consist of the building laterals, mains, manholes, and all other required appurtenances.
 - a. Each building lateral shall be connected directly to the sewer main. Laterals shall be a minimum of six inches (6") for all uses. Cleanouts shall be provided at intervals of one hundred feet (100') to allow cleaning of all lines. All laterals shall be PVC-SDR-35 or equivalent.
 - b. Sewer mains shall be sized using the Manning Formula and the appropriate design factor for average usage (flow). The minimum main shall be eight inches (8") diameter.
 - c. Manholes shall be used at all changes of direction and spaced not more than four hundred feet (400') apart. Curved sewers are prohibited.
 - d. Lift stations and force mains shall be designed to meet the minimum standards of the City of Saratoga Springs and/or Saratoga County Sewer Commission, depending on the agency with ownership and maintenance responsibilities.
4. Individual household systems shall be designed in accordance with the Waste Treatment Handbook for Individual Household Systems published by the New York State Department of Health (DOH).
 - a. Test pits shall be witnessed by an Engineer from DOH and the test pit results shall be recorded on the plans.
 - b. Percolation tests shall be performed and the locations and rates shall be recorded on the plans. Standard absorption field systems shall be designed and utilized as set forth in the waste treatment handbook.
 - c. No *subdivision* shall be allowed where *construction* of a

standard absorption field and *construction* of a sanitary sewer system is not feasible.

- d. A registered professional engineer must certify the designed individual household systems as to conformance with the design standards.

L. Water Systems:

1. A water distribution system, which will meet both domestic and fire flow requirements shall be provided for all *subdivisions*. The Board may waive the requirement for a water distribution system if the proposed *subdivision* lies in a district where the residential *lots* are single family with a minimum area of two (2) acres.
 - a. The installation of dry lines may be required if there is any reasonable plan for expansion of the water distribution system for the area.
 - b. Private water companies are generally not desired within the *City*.
2. The water distribution system shall be designed in accordance with the requirements of the City of Saratoga Springs and the Recommended Standards for Water Works adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers (DOH Bulletin No. 42), latest edition, including all addenda thereto. In addition, water mains in cul-de-sacs and dead end streets shall be installed at a depth of six feet (6'). The design shall be certified by a registered professional engineer as to conformance with all required standards.
3. The minimum main size shall be eight inches (8") within residential *subdivisions* and ten inches (10") within non-residential areas. The system shall be designed with adequate capacity and sustained pressure for present and probable future *development*. All pipes shall be ductile iron.
4. Water distribution mains shall be looped and be of adequate size to satisfy both domestic and fire flow requirements. Dead ends shall be avoided; however, if permitted, a hydrant shall be installed at the end of the main. Sufficient sectional control valves shall be provided so that no more than two fire hydrants will be out of service in the event of a single break in the water main; or, on straight runs the control valves shall be no more than one thousand feet (1000') apart. On all water mains that are not looped, the minimum depth for the main and any lateral within the public right-of-way shall be six feet (6').
5. Pipes and fittings shall be of approved materials and type and class of material shall be specified according to pressure, external loading, and ground conditions. Thrust blocks or other approved joint restraints shall be provided on all lines.

6. Gate valves shall be installed on every branch of an intersection (including all expansion stubs) and at every hydrant.

7. Fire hydrants shall be without exception Mueller Centurion, A-423, open right, configured as approved by the *City*. Hydrants shall be located at all *street* intersections and spaced from three hundred fifty feet (350') to six hundred feet (600'), or spaced as per required fire flows.

8. Each dwelling *unit* shall be provided with a separate service and shutoff valve. Services shall be a minimum of three-quarters inch (3/4") inside diameter type K copper.

9. For *lots* with individual wells the following procedures will be required:

- a. The builder shall provide an approved well on the site prior to the issuance of a building permit.
- b. Two well yield tests shall be conducted twenty-four (24) hours apart with one hundred percent (100%) recovery required between tests. Test results are to be submitted in writing to the building inspector. The minimum sustained yield for all wells tested shall be five (5) gallons per minute for a four (4) hour duration (both tests) prior to the issuance of a building permit.
- c. Prior to the issuance of a building permit for *lot* the water from the well must be tested for items and achieve the following standards:

Water Quality Standards for Individual Wells

Item:	Standard
Physical	
Color	Less than or equal to 15 units
Turbidity	Less than or equal to 5 units
Odor	Less than or equal to 3 units
Ph	Between 6.5 and 8.5 units
Conductance	No minimum standard
Chemical	
Total Alkalinity/ as CaCO ₃	No minimum standard
Hardness, as CaCO ₃	Less than 120mg/L
Nitrates, as N	Less than or equal to 10 mg/L
Iron	Less than or equal to 0.3 mg/L
Manganese	Less than or equal to 0.3 mg/L
Chloride	Less than or equal to 250 mg/L
Sulfate	Less than or equal to 250 mg/L
Sodium	Less than 270 mg/L
Fluoride	Less than or equal to 2.2 mg/L

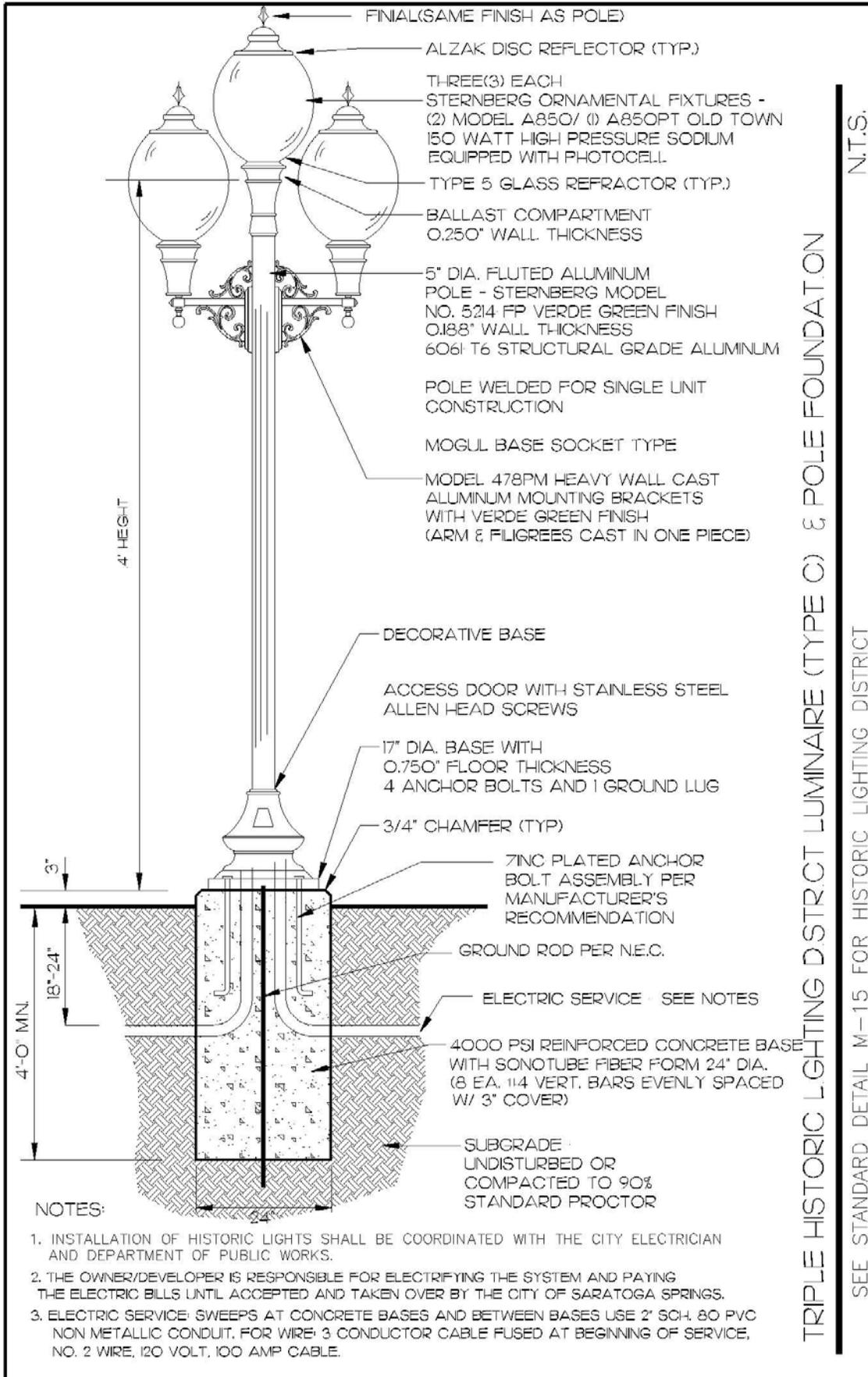
CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

Bacteriological:	
Total coliform	Less than 1, filter membrane or less than 2.2 mpn

- d. A copy of the test results from a certified laboratory must be submitted to the building inspector.
 - e. Within one (1) month prior to the issuance of a certificate of occupancy the well must be retested for total coliform and the test must meet the standard set forth in the standard listed above.
 - f. The purpose of this procedure and test relates to the issuance of a building permit only. The City of Saratoga Springs will make no positive or negative recommendation with regard to continuing quality, quantity or pot ability of any water source where individual wells are to be provided. The City of Saratoga Springs will under no circumstances warrantee, guarantee or in any way affirm the results of any test conducted pursuant to this procedure.
- M. Utilities: All utilities shall be placed within the *right-of-way* and buried as per the utility company's specifications.
- 1. Gas distribution in the service areas shall be as per National Grid, or its successors, policies and standards. The developer shall contact the National Grid office in order to schedule this service.
 - 2. Electrical service shall be provided by National Grid. The developer shall contact the National Grid office in order to schedule this service.
 - 3. Telephone service shall be as provided by a qualified telephone company. The developer shall contact the telephone company in order to schedule this service.
 - 4. Television cable (CATV) and/or fiber optic cable, etc. distribution in the service areas shall be as per the franchised cable company's policies and standards. The developer shall contact the provider's office in order to schedule this service.
 - 5. The *final plat* plan shall include statements that the appropriate company or agency shall approve the design for all utilities.
- N. *Street Lighting*: All *subdivisions* shall provide for adequate lighting for the public way. For all *subdivisions* within the *City's* downtown lighting district, as established by the *City's* Department of Public Works, the following shall apply:
- 1. Lighting standard shall be either:
 - a. Sternberg ten foot (10') ornamental model #4210FP-12GREEN, A850 globe with one hundred-twenty (120) volt mogul base and one hundred-fifty (150) watt high pressure sodium lamp on "Broadway" and with seventy (70) watt high pressure sodium

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

- lamp at all other locations; or
- b. National Grid approved twenty-six foot (26') dark aluminum DAVIT arm high-pressure sodium, or a substitute model approved by the Department of Public Works.



DWG No M-14
 CITY OF SARATOGA SPRINGS, NEW YORK
 Triple Historic Street Light
 STANDARD DETAIL
 N.T.S.
 SEE STANDARD DETAIL M-15 FOR HISTORIC LIGHTING DISTRICT
 APPROVED: _____ DATE _____
 PLANNING BOARD _____ DATE _____

Figure 9

Figure 8

Figure 7

2. Installation shall be as per Department of Public Works and/or National Grid Power Corporation specifications.
3. For all *subdivisions* not within the City’s downtown lighting district the following shall apply:
 - a. The lighting standard at intersections of all *urban* and/or *local urban streets* shall be the National Grid approved twenty six foot (26’) dark aluminum Davit arm high pressure sodium light or a substitute model approved by the Department of Public Works. See the City’s Standard as illustrated in Figure 7.
 - b. Unless otherwise specified by the Department of Public Works, the lighting standard at other locations shall be the Sternberg ten foot (10’) model # A850 with a globe, photocell and a one hundred-twenty (120) volt, seventeen inch (17”) base and one hundred-fifty (150) watt high pressure sodium lamp for locations along Broadway and seventy (70) watt for all other streets (see the City’s Standard Detail as illustrated in Figure 8). Depending on the location the standard fixture may be the Sternberg triple head fixture (see the City’s Standard Detail as illustrated in Figure 9).
 - c. In general, lights shall be located according to the following guidelines:
 - d. One light shall be located at each *street* intersection.
 - e. Between intersections streetlights shall be staggered on opposite sides of the *right-of-way* at the following intervals:

**Street Light Spacing
By Zoning District**

	150 foot spacing	300 foot spacing
Zoning District	UR-1, UR-2, UR-3, UR-5, UR-6, UR-7	RR, SR-1, SR-2

- f. For other districts not listed above, spacing of street lighting will be determined during the review process.
 - h. The *Board* or the Department of Public Works may change these standards in cases of unusual circumstances.
4. Installation shall be as per the standards as set forth by the Department of Public Works or National Grid.
- O. Standards for Driveways: All driveways providing access from a public *street* to any permitted use or structure shall comply with the following regulations:
1. Driveways shall enter the *street right-of-way* at an angle as near ninety degrees (90°) as site conditions will permit and in no case less than seventy-five degrees (75°) or more than one hundred, five

- degrees (105°).
2. The portion of the driveway lying between the *street right-of-way* and the edge of the paved *street* shall be surfaced in accord with the City's Standard Construction Details for Residential and Non-residential Driveways. The surface of any driveway subject to site plan approval shall be constructed with permanent pavement and paved for a length of seventy feet (70') back from the *right-of-way edge*.
 3. Curbs shall be depressed at driveway entrances. Where curbing does not exist and conditions warrant, an adequate culvert shall be installed.
 4. Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Driveway profiles and grades shall be submitted to and approved by the *City Engineer*.
 5. Should a sidewalk be located or required along the *street*, the sidewalk shall continue in line and grade and the driveway between the depressed curb and walk properly ramped. The ramp must meet ANSI standards with a slope of 1:12, eight percent (8%).
 6. All entrance and exit driveways to a *street* shall be located to afford maximum safety to traffic on the *street*.
 7. Exit drives shall be designed and located to permit the following sight distance measured in each direction along the abutting *street*:

Sight Distance for Driveway Locations

Allowable Speed (MPH)	Required Sight Distance (ft.)
30	150'
35 - 40	300'
45 - 55	400'

P. *Street* and Traffic Regulatory Signage: *Street* signs (with approved *street* names) shall be ordered through the Department of Public Works and installed by the developer in a manner and of a material to be approved by the *Board*. Appropriate traffic regulatory signage shall be installed by the developer in a manner and of a material to be approved by the *Board* and which meets the standards of the City's Department of Public Safety's Traffic Safety Division. All such signs shall be installed free of visual obstruction.

Q. *Street* Tree Plantings:

1. *Street* trees shall be planted throughout residential *subdivisions*, which do not have major existing trees and when curbs and sidewalks are included in the design.
2. The *Board* may require additional *street* tree plantings in areas of residential *subdivisions*, which are void of major trees. On block

- faces up to one hundred feet (100') in width one tree shall be planted. On block faces over one hundred feet (100') in width, one (1) tree shall be planted at one hundred foot (100') intervals.
3. The developer of any residential *subdivision* shall preserve and protect the existing major trees located within the required setback areas (front, side, and rear yards).
 4. The developer of any commercial or industrial *subdivision* shall provide *buffer* and/or screen plantings in addition to *street* tree plantings.
 5. The standards for the location and design of *buffer* areas are intended to provide flexibility in order to provide effective screens. The location and design of *buffers* shall consider the proposed use of the property, the distance between the use and the adjoining property lines or *subdivision* lines, differences in elevations, etc.
 6. The developer of any commercial or industrial *subdivision* shall preserve and protect the existing major trees located on the property, which do not interfere with the building area.
 7. *Street* tree plantings (either natural or planted) shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all *street* and driveway intersections.
 8. *Street* trees shall be at least two and one-half inch (2 1/2") caliber when planted, free of disease and insect pests and hardy within Zone 4. Any planted *street* tree, which does not live, shall be replaced within one (1) year.
 9. Recommended *Street* Trees: The developer shall use small *street* trees in situations where there are overhead utility wires or other space restrictions. Other conditions that may warrant the use of smaller trees include but are not necessarily limited to: the scale and/or character of the surrounding environment, maximizing sunlight exposure, and maximizing views from adjacent building windows, patios, and/or balconies.
 - a. Recommended small *street* trees:

Small Tree Recommendations

Amelanchier species	Serviceberry
Malus species	Crabapple
Crataegus crus-galli v. inermis	Thornless Cockspur Hawthorn
Carpinus caroliniana	American Hornbeam
Cercis canadensis	Eastern Redbud
Cornus florida	Flowering Dogwood (Anthracnose-resistant species)
Cornus alternifolia	Pagoda Dogwood

- b. The developer shall use medium to large *street* trees where space permits.

Medium-Large Tree Recommendations*

Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Betula nigra	River Birch
Tilia Americana	American Basswood
Ulmus Americana	American Elm (disease-resistant cultivars such as Princeton and Valley Forge)
Quercus rubra	Northern Red Oak
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus palustris	Pin Oak
Celtis occidentalis	Hackberry
Gleditsia triacanthos v. inermis	Thornless Honeylocust
Gingko biloba	Gingko (male only)
Gymnocladus dioica	Kentucky Coffeetree (male only)
Liriodendron tulipifera	Tulip Poplar
Nyssa sylvatica	Black Tupelo
Ostrya virginiana	Hophornbeam
Platanus occidentalis	American Sycamore

*In situations with narrow space restrictions, columnar or upright cultivars of the recommended medium to large street trees above shall be used.

10. The planting of any tree, shrub or other plant species whose invasiveness has been rated as Very High, High, or Moderate on the current Non-Native Plant Species Invasiveness Assessment list, maintained by the Cornell Cooperative Extension Invasive Species Program and the New York Invasive Species Clearinghouse (<http://www.nyis.info/?action=israt>), is not permitted.

R. Recreation Land Requirements:

1. Required Offer of *Usable Land*: The *owner* shall offer to the *City* "Class A Type *Usable Land*" equal in size to at least ten percent (10%) of the *owner's* subdivided tract.
2. This land shall be used as *parkland*. The *City* may specify which lands within the *subdivision* shall be dedicated for *parkland*. The *City* may also require that the *owner* suitably grade the land, which is to be dedicated for *parkland*. The *City* may instead request that the *owner* offer, "Class B Type *Usable land*" to the *City* to be left as passive open space (to be defined as "open space"). The amount and location of "Class B Type Land" to be offered shall be as deemed appropriate by the *City*. The *Board* may refer such offers to

- the Recreation Commission for review and recommendations.
3. If the *Board* determines that the ten percent (10%) area, offered by the *owner*, should not be useful for a public purpose, or, if the dedication of land within the *subdivision* would not conform to the *Comprehensive Plan* or *Official Map*, or is otherwise not practical, the *Board* shall require as a condition to approval of the *Plat* that the *owner* pay to the *City* a fee per *lot* included in the *Plat*, which sum shall constitute a trust fund to be used by the *City* exclusively for *neighborhood* park, playground or recreation purposes including the acquisition of property.
 4. In the instance of payment the *Board* shall require a payment to the *City* of a fee as listed in Appendix A. The fee shall be paid for each approved residential building *lot*, except that a *lot* created to accommodate an existing dwelling shall be exempt from this requirement. This payment shall be made prior to the *Board's* granting of *final approval*. All such cash deposits shall be paid to the City of Saratoga Springs, and credited to a separate fund to be used for parks, playground, and recreational land acquisition and improvement that will serve the residents of the proposed *subdivision*.
 5. If the *Board* determines that only a portion of the ten percent (10%) area offered by the *owner* is acceptable for public use, then the *owner* shall dedicate the acceptable land and pay a fee equal to the difference in the percentage of land offered and the ten percent (10%) required.
 6. Unique and scenic areas and those areas bordering *streams*, lakes or other water courses may be given special consideration by the *Board*, should they be desirable for public open spaces. Where such sites and open spaces are not shown on the *Comprehensive Plan* and where deemed essential by the *Board* upon consideration of the particular type of *development* proposed the *Board* may recommend that the City Council require the offering of reservation of areas up to the ten percent (10%) limit.

PERFORMANCE IMPROVEMENTS AND PERFORMANCE GUARANTEES

§ 1. General Provisions

Any *applicant* who proposes to develop a *subdivision* in the City of Saratoga Springs shall comply with the regulations provided in this Article regarding the posting of performance guarantees and the *construction* of utilities and other required improvements.

§ 2. Required Improvements

In making determinations regarding the necessity and extent of the installation of *subdivision* improvements, the *Board* shall take into consideration the prospective character, *density* and uses within the proposed *subdivision* — whether residential, commercial or industrial.

- A. Required Improvements: The *Board* shall require the installation of the following improvements including all off-site facilities required to service the *subdivision*, unless it shall specifically waive in writing any such improvements as provided in Article VI.
1. Parks, playgrounds, or other public open spaces of adequate size and location for recreational purposes;
 2. Paved *streets* and *roadways*;
 3. *Street* signs and posts;
 4. Pedestrian ways;
 5. *Street* lighting;
 6. Curbs or swales;
 7. *Street* trees;
 8. Water mains and fire hydrants and any other required water system facilities;
 9. Sanitary sewage collection and disposal facilities;
 10. Storm drainage system;
 11. Seeding or sodding of planting strips with lawn areas; and
 12. *Monuments* suitably placed and installed.
- B. Standards for Installation: All required on-site and off-site improvements shall be installed in accordance with standards, specifications, and procedures acceptable to the appropriate *City* departments or as provided for in these Regulations.
- C. Modification of Design of Improvements: If at any time before or during *construction* of the required improvements it is satisfactorily demonstrated to the *City Engineer* that unforeseen conditions make it

necessary or desirable to modify the location or design of such required improvements, the *City Engineer* may, upon concurrence of the Chairperson of the *Board*, authorize minor modifications which are within the spirit and intent of the *Board's* approval and do not waive or substantially alter the function of any of the improvements required by the *Board*. The *City Engineer* after consultation with the *Commissioner of Public Works*, and the *Commissioner of Public Safety* shall issue any such authorization under this provision in writing and shall transmit a copy of such authorization to the *Board*.

D. Inspections of Improvements:

1. *Pre-construction* Conference: Under normal conditions a *pre-construction* meeting shall be held with the Department of Public Works (Office of the *City Engineer*) to discuss *construction* schedules and inspection requirements. No *construction* on the *subdivision* should occur before this conference.
2. Notification: The *owner* or designated representative shall be responsible for notifying the Department of Public Works (Office of the *City Engineer*) forty-eight (48) hours prior to commencing any work.
3. The Department of Public Works (Office of the *City Engineer*), upon notification, will inspect or designate an independent consultant to inspect the required *construction* activity. The City on a rate established annually by the City Council will bill all inspection fees to the owner. The inspection fees for the *subdivision* shall not exceed five percent (5%) of the cost of the installation of the required improvements. Such notification is generally required prior to each of the following phases of *construction*:
 - a. Site clearing;
 - b. Sanitary sewer installation;
 - c. Storm sewer installation;
 - d. Waterline installation;
 - e. Sub grade preparation;
 - f. Gravel installation;
 - g. Asphalt binder and wearing courses and curbing; and
 - h. Any special *construction*.

The applicant is responsible for providing inspections of the work by a licensed professional or an individual under their supervision.
4. In addition, forty-eight (48) hours notification will be required prior to resuming work if Contractor is absent from the site for more than seven (7) days.
5. All these items and any others designated by the Department of Public Works (Office of the *City Engineer*) shall be inspected before work is covered up or it will be subject to rejection or excavation and inspection by *applicant* at his expense prior to acceptance.
6. The inspection process by the Department of Public Works (Office

- of the *City Engineer*) shall not be a resident full time inspection. Rather it shall be a series of spot inspections to insure for the *City* that installations are in general conformance with approved standards. *City* inspections shall not relieve the developer and contractor from responsibilities to insure that all work is constructed in accord with *City* standards.
7. Proper Installation of Improvements: If the Department of Public Works (Office of the *City Engineer*) shall find, upon inspection of the improvements performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the *sub-divider*, he shall so report to the *City* Attorney, the Building Inspector and the *Board*. The *City* Attorney shall then notify the *sub-divider* and, if necessary, the financial guarantor, and take all necessary steps to preserve the *City's* rights under the bond.
 8. Issuance of Stop Orders: Whenever the Department of Public Works (Office of the *City Engineer*) has reasonable grounds to believe that work on any site improvement is occurring either in violation of the provisions of this *subdivision* regulation, not in conformity with any application made, permit granted or other approval issued hereunder, or in an unsafe or dangerous manner, the Department of Public Works (Office of the *City Engineer*) shall promptly notify the appropriate person(s) responsible to suspend work on any such building or structure or the use of any such land. Such person(s) shall forthwith immediately cease and suspend such activity until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person(s) whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the improvements under *construction* and additionally sending a copy of the same to the *applicant* listed on the *subdivision* application by certified or registered mail. The Department of Public Works (Office of the *City Engineer*), on its own initiative, may inspect and issue a stop order. The Department of Public Works (Office of the *City Engineer*) does not have to receive written notice of an alleged violation.
 9. Emergency Action: If, in the opinion of the Department of Public Works (Office of the *City Engineer*), a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, or general welfare of the public, the Department of Public Works (Office of the *City Engineer*) may direct such violation to be immediately remedied or may take direct action on his own initiative to abate the hazard or danger. The owner of such property for which the project is being constructed shall pay

for any costs incurred by such action. If a person other than the *owner* is responsible for the violation, such person shall be jointly and severally liable, together with such *owner*, for any such costs. The Department of Public Works (Office of the *City Engineer*) shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses, or to place a lien against the property, in order to recover the said costs. The removal of any liens shall be a condition for any further approval or activity by the *City* in regard to this project.

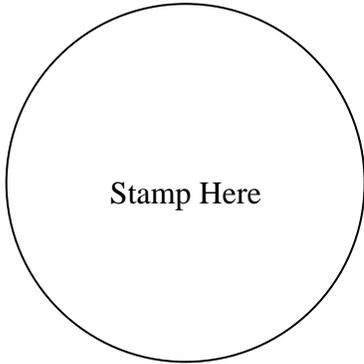
§ 3. Performance Guarantees for Required Improvements

- A. General Provisions. A *letter of credit*, *performance bond*, or equivalent security shall be delivered to the *City* to guarantee thereby to the *City* that the *applicant* shall faithfully cause to be constructed and completed within a reasonable time the required improvements and convey the required lands and improvements, where applicable, to the *City* free and clear of all encumbrances.
- B. Procedures:
1. The *City* shall require *financial security* for any *construction* involving *roadways*, *curbs*, *sidewalks*, *utilities* and *street lighting* on all *subdivisions* in accord with the *City's subdivision* rules and regulations.
 2. The *applicant* may request a waiver, particularly with subdivisions that fulfill a public purpose or are owned by a non-profit entity, from the *financial security* provisions of this article. The request shall be made in writing to the *Board* and state the extenuating circumstances that are relevant for the *Board's* consideration of the request. The *Board* at their discretion, will approve, disapprove or modify the waiver request.
 3. *Financial security* is to be provided to cover the full estimated cost of *construction* in accord with standards established by the *City Engineer* after consultation with the *Commissioner of Public Works*.
 4. Estimates of *construction* costs are to be submitted to the *Board* by the *applicant's* licensed engineer/surveyor/landscape architect. The estimates must be approved by the *Board* after consultation with the *City Engineer* and the *Commissioner of Public Works*.
 5. The *financial security* must be submitted to the *City* prior to *final subdivision approval* of a *plat*. The *Board* may issue final approval with the condition that a *financial security* be received before the Chairperson signs the *final plat* plan which is to be filed with the County Clerk. The *Board* may issue any reasonable conditions with the required *financial security*.

6. The *financial security* provided is to identify the “City of Saratoga Springs” as the Beneficiary and will state that fund may be collected at an institution/location within forty (40) miles of the Saratoga Springs municipal boundaries upon receipt of a written demand from the “City Attorney of the City of Saratoga Springs.” Legal and administrative costs incurred by the *City* associated with the collection of a *financial security* will be reimbursed to the *City* from the amount set aside in the performance guarantee. The aforementioned cost shall not exceed one percent (1%) of the total amount of the *financial security*.
 7. Applicant may set the expiration date for the *financial security* but in no case can it be longer than twenty-four (24) months from the date of issuance.
 8. With thirty (30) days written notice, the *financial security* may be extended for a period not to exceed twelve (12) months at each occurrence. All extensions require a motion of approval by the *Board*. For each extension the *Board* can require a revised cost estimate and alter the sum required on the *financial security*.
 9. All requests for an extension of time and/or reduction shall be accompanied by an application fee as specified in the Fee Schedule in Appendix A.
 10. The *financial security* will be canceled by written notice from the *City* once the *applicant* has satisfactorily completed all required *construction* and the improvements are accepted by a vote of the City Council and transfer of title.
 11. With thirty (30) days notice the *applicant* may request an amendment to any *financial security* for a reduction of the original amount after a portion of the required improvements is completed. Upon receiving such a request, the *Board* will instruct the *City Engineer* to inspect the improvements. If the inspection is satisfactory upon recommendation by the *City Engineer*, after consultation with the *Commissioner of Public Works*, the *Board* will by motion determine if such a reduction is appropriate and if so reduce the amount required and proof of this reduction will be set forth in a letter by the *City Attorney* and forwarded to the appropriate financial institution who will in turn issue an amended *financial security* to the *City*.
 12. All *financial securities* shall comply with current codes established by the State of New York. Such securities shall be issued by a financial institution approved by the *City Attorney* and shall also be approved by such *City Attorney* as to form, sufficiency and manor of execution.
- C. “As-Built” Drawing Required: No required improvements shall be considered to be completed until the installation of the improvements has been approved by the *City Engineer* after consultation with the

Commissioner of Public Works, and a map satisfactory to the *Board* has been submitted indicating the location of *monuments* marking all underground utilities as actually installed. "As-Built" drawings shall meet the requirements set forth in Section 6 below. and other requirements established by the *City Engineer* after consultation with the *Commissioner of Public Works*. If the *sub-divider* completes all required improvements, then two reproducible sets of "as-built" drawings shall have a seal and signature of the Engineer that conducted the *construction* inspections. The Engineer's signature and seal shall include the following form:

RECORD DRAWING CERTIFICATION:



I, _____, Registered Professional Engineer No. _____, in the State of New York, do hereby certify that this drawing stamped by me as "As-Built" shows the actual facilities for this project as they were installed in the field.

Certification of "as-built" conditions as required herein will require the presence of the certifying engineer or his representatives at the site during construction to document the actual conditions.

§ 4. General Liability Requirements

- A. Filing Requirement: The *applicant* shall file with the *City Engineer* a General Liability Insurance Policy at the same time that he files his performance guarantee. The policy shall be in force during the term of the performance guarantee and shall be extended in conformance with any extension of the performance guarantee. The *applicant* shall additionally file a copy of said certified check or other performance guarantee with the *Board*.

- B. Limits of Coverage: The policy shall insure the *City* and the *applicant* and shall cover all operations in the *development* involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have minimum limits of liability and five hundred thousand dollars (\$500,000) combine single limit per occurrence and \$500,000 in the aggregate. In addition, in all instances an *owners* and Contractor Protective Policy (OCP) in the name of the City of Saratoga Springs shall be provided with a combined single limit of \$500,000 per occurrence, \$500,000 aggregate, or, in certain instances, such higher limits as the *Board* may require, upon recommendation of the designated *City Engineer*.

§ 5. Public Franchise Utilities

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

§ 6. Acceptance of Streets by the City

- A. General Provisions. All *streets* to be dedicated to the *City* must be accepted by the City Council as follows:
1. In general, *streets* proposed for dedication will be formally presented to the City Council for a decision on acceptance.
 2. Prior to this presentation the developer must have satisfactorily completed all work associated with the right of ways to be dedicated (curb, sidewalks, pavements, all utilities, etc.) and submit a written request to the *Commissioner of Public Works* asking for the *streets* to be accepted by the *City*.
 3. Proposed description of *streets* to be dedicated to the *City* must be submitted to *City Attorney* sixty (60) days in advance of scheduled action by the City Council. Description must conform to the filed and approved *subdivision* map.
 4. Approximately one month before desired Council action, a final inspection by developer (or his representative) and *City* officials will be made to determine conformance with the approved plan. Deficiencies found on this inspection must be corrected to the satisfaction of the *City* prior to presentation to the City Council for dedication.
 5. The Council shall not act on the acceptance until the following requirements have been met:
 - a. Two (2) sets of reproducible mylars of the “as-built” drawings of the *streets* and utilities. These “as-built” drawings will serve as certification that *construction* has been generally performed in accordance with the *final plat*, and shall be stamped by the Licensed Professional Engineer who performed the *construction* inspections and with a certification as set forth in Section 3, Paragraph C, that the plans represent conditions of actual installation of facilities being dedicated to the *City*. “As-Built” drawings must accurately locate by triangulation all water corporation, curb cocks, all mainline waterline and hydrant

valves, sanitary system “Y” or “T” at main for laterals and location of laterals at property line. In the event that the sanitary collection system is to be dedicated to the Saratoga County Sewer District, then one (1) additional set of reproducible mylars of the “as-built” drawings shall be submitted to the County Sewer District for their record. The as-built drawing must show the actual field location of all underground utilities including lengths of pipes, rim elevations, frame elevations, type of pipe material, inverts, percent-of-grade for sanitary and storm sewers, ties to all wyes and curb boxes, lengths of pipe between all appurtenances (i.e., valves, tees, bends, hydrants, etc.). In addition, the drawing must show light poles, curbing, trees, sidewalks, bench marks, monumentation, retention/detention areas, berms, retaining walls, parking and traffic control signs, etc.

- b. Offer of Cession.
- c. Original and two (2) copies of the proposed deed. The deed should state that the City of Saratoga Springs is “ a municipal corporation, organized and existing by virtue of the laws of the State of New York. “ The first paragraph of the deed should state, not only the date and title and surveyor of the *survey*, but also the date of filing thereof in the Saratoga County Clerk’s Office and the drawer number assigned thereto.
- d. An up-to-date abstract of title to land.
- e. Upon acceptance of the *street* by the City Council the *applicant* will be responsible for the filing of the deed with the County of Saratoga and fees incurred with the filing and for recordation. A copy of the filed deed will then be filed with the *City Attorney*.
- f. Acceptance of Dedication Offers: Acceptance of formal offers of dedication of *streets*, public areas, *easements*, and parks shall be by ordinance of the local government governing body. The approval by the *Board* of a *subdivision plat* shall not be deemed to constitute or imply the acceptance by the local government of any *street*, *easement*, or park shown on said *plat*. The *Board* may require said *plat* to be endorsed with appropriate notes to this effect.
- g. Maintenance of Improvements: The *applicant* shall be required to maintain all improvements on the individual subdivided *lots* and provide for snow removal on *streets* and sidewalks, if required, until acceptance of said improvements by the governing body. If there are any certificates of occupancy on a *street* not dedicated to the local government, the local government may on twelve (12) hours notice plow the *street* or effect emergency repairs and charge same to *applicant*.
- i. Maintenance Security: The *applicant* shall file with the *City* a maintenance bond, *letter of credit* or equivalent security in an

amount based on a maximum of ten percent (10%) of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition of the initial public improvements for a period of one (1) year following their completion and acceptance, where applicable, by the City Council.

- j. Such security shall be satisfactory to the *City Attorney* as to form, manner of execution and surety and in an amount satisfactory to the *City Engineer* after consultation with the *Commissioner of Public Works* and the *Commissioner of Public Safety*. The *sub-divider* shall additionally file a copy of said certified check or other performance guarantee with the *Board*. Such security is intended to cover only defective materials or *construction*.

§ 7. Certificates of Occupancy

No final certificate of occupancy for any building in the *subdivision* shall be issued prior to the completion of the improvements and dedication of same to the local government, as required in the *Board's final approval* of the *subdivision plat*.



CITY OF SARATOGA SPRINGS
 DEPARTMENT OF PUBLIC WORKS
 ♦
 CITY HALL - 474 BROADWAY
 SARATOGA SPRINGS, NEW YORK 12866-2296
 TEL: 518-587-3550 FAX: 518-580-9480
 HTTP://WWW.SARATOGA-SPRINGS.ORG

STREET ACCEPTANCE CHECKLIST

Project Name:

Completed:		ITEMS TO COMPLETE:
YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	1. Send letter to Commissioner of Public Works requesting street acceptance. A map of the streets should be included with the letter.
<input type="checkbox"/>	<input type="checkbox"/>	2. Deeds for the street(s) to be accepted filed with the City Attorney's Office.
<input type="checkbox"/>	<input type="checkbox"/>	3. As-built drawings of streets filed with the City Engineer's Office.
<input type="checkbox"/>	<input type="checkbox"/>	4. Inspection done by the City Engineer's Office and the Department of Public Works.
<input type="checkbox"/>	<input type="checkbox"/>	5. Street signs purchased by the developer and properly installed.
<input type="checkbox"/>	<input type="checkbox"/>	6. Map of street light locations including the following: <ul style="list-style-type: none"> • Location of each circuit; and • The wattage for each light; and • The location and type of each light.
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	7. Submit map to the Department of Public Works and City Electrician for review and approval.

CITY OF SARATOGA SPRINGS SUBDIVISION REGULATIONS

	ITEMS TO COMPLETE FOR SNOWPLOWING <u>ONLY</u>
<input type="checkbox"/> <input type="checkbox"/>	1. Send letter to Commissioner of Public Works and a map of street(s) to be plowed.
<input type="checkbox"/> <input type="checkbox"/>	2. Manholes level with road surface.