

Chapter 150. Subdivision of Land

[HISTORY: Adopted by the Town Board of the Town of Lake George 9-11-1978. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction – See Ch. **80**

Flood damage prevention – See Ch. **83**

Onsite Wastewater Treatment Systems – See Ch. **115**

Storm Sewer System Discharges, Activities and Connections – See Ch. **147**

Stormwater Management and Erosion & Sediment Control – See Ch. **148**

Zoning – See Ch. **175**

150a Appendix A

150b Appendix B

150c Appendix C

150d Appendix D

150e Appendix E

§ 150-1. Planning Board empowered to approve plats.

[Amended 8-12-1991]

By the authority of the resolution of the Town Board of the Town of Lake George, adopted on September 11, 1978, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Lake George is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk and to conditionally approve preliminary plats, within that part of the Town of Lake George outside the limits of any incorporated city or village.

§ 150-2. Declaration of policy.

[Amended 8-12-1991]

- A. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economic development of the Town. This means, among other things, that 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, that proper provision shall be made for drainage, water supply, sewerage, environmental considerations and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings, and that proper provisions shall be made for open spaces for parks and playgrounds.
- B. It is further declared to be the policy of these regulations to ensure the optimum overall conservation, protection, development of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Town.

- C. In order that land subdivisions may be made in accordance with the policy, these regulations, which shall be known as and which may be cited as the "Town of Lake George Land Subdivision Regulations" have been adopted by the Planning Board on August 1, 1978, and approved by the Town Board on September 11, 1978.

§ 150-3. Definitions.

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

CLASS A REGIONAL SUBDIVISION

A subdivision which is classified as a Class A Regional Project in Section 810 of the Adirondack Park Agency Act,**[1]** and set out in **Appendix A** hereof.**[2]**

CLASS B REGIONAL SUBDIVISION

A subdivision which is classified as a Class B Regional project in Section 810 of the Adirondack Park Agency Act,**[3]** and set out in **Appendix B** hereof.**[4]**

CLERK OF THE PLANNING BOARD

That person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations. [Added 8-12-1991]

COLLECTOR STREET

A street or portion thereof which collects and distributes traffic to local streets and provides access to main arterials. Traffic in both weight and volume is considerably greater than local street traffic.

DEAD-END STREET or CUL-DE-SAC

A street or a portion of a street with only one vehicular traffic outlet.

EASEMENT

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

ENGINEER or LICENSED PROFESSIONAL ENGINEER

A person licensed as a professional engineer by the State of New York.

LOCAL STREET

Residential (type) streets used primarily by passenger cars and light trucks which serve dwellings along the streets. Only occasional heavy truck traffic. Provides for through traffic.

LOT LINE ADJUSTMENT

Please refer to Section 150-32 for definition of lot line adjustment.

MAJOR STREET

Major thoroughfares that connect residential areas with the principal business sections. They carry traffic generated by local and collector streets and frequently serve through traffic to and from outlying rural areas.

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision, including but not limited to a subdivision requiring any new street or extension of municipal facilities.

MASTER OR COMPREHENSIVE PLAN

A Comprehensive Plan, prepared by the Planning Board, pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

MINOR STREET

Streets used primarily by its residents, with very limited or no through traffic.

MINOR SUBDIVISION

Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map or Zoning Ordinance, if such exists,^[5] or these regulations.

MOBILE OR MANUFACTURED HOME

Any vehicle or similar portable structure or any part thereof or addition thereto, with or without a foundation or wheels, jacks, skirting, wood or masonry block supports, designed or constructed to be towed on its own chassis (comprised of frame and wheels), driven or otherwise transported to its resting site and which is designed to permit occupancy for residential, business, commercial or office purposes. Such will include units that may contain parts that may be folded, collapsed or telescoped when being towed and expanded later, as well as two or more separate components designed to be joined into one integral unit, but excluding modular homes. [Amended 7-11-1994 by L.L. No. 1-1994]

MODULAR HOME

Any building comprised of two or more components, with or without their own chassis, capable of being transported to their building site and permanently joined into one integral unit which is indistinguishable in appearance from a conventionally built home, including but not limited to a sloped roof and permanent foundation. [Added 7-11-1994 by L.L. No. 1-1994]

OFFICIAL MAP

The map established by the Town Board pursuant to § 270 of the Town Law, showing streets,

highways and parks and drainage, both existing and proposed.

PLANNING BOARD or BOARD

The Planning Board of the town.

PRELIMINARY PLAT

A drawing or drawings clearly marked "preliminary plat," showing the salient features of a proposed subdivision, as specified in § **150-28** of these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

REGIONAL SUBDIVISION

Any Class A Regional Subdivision or Class B Regional Subdivision.**[6]**

SKETCH PLAN

A sketch of a proposed subdivision showing the information specified in § **150-26** of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

STREET

Includes streets, roads, avenues, lanes or other traffic ways between right-of-way lines.

STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

The width of right-of-way, measured at right angles to the center line of the street.

SUBDIVIDER

Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION

- (1) A division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy by any person or by any other person or any group of persons acting in concert as part of a common scheme or plan; provided, however, that this shall not apply to conveyances of small amounts of land to correct a boundary of a lot so long as such conveyance does not create additional lots.
- (2) Includes any map, plot or other plans, whether or not previously filed. It also includes any grading, road construction, installation of utilities or other improvements or any other land use or development preparatory or incidental to such activity. It does not include the lease of land for hunting or fishing and other open space recreational uses.

SUBDIVISION PLAT or FINAL PLAT

A drawing, in final form, showing a proposed subdivision, containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Register.

SURVEYOR

A person licensed as a land surveyor by the State of New York.

TOWN ENGINEER

The duly designated engineer of the Town.

ZONING OFFICER

Also known as the Planning and Zoning Director, the Zoning Officer is in charge of the Planning and Zoning Office and is responsible for administration of the Zoning Ordinance, as well as making determinations, completing plan review, and assisting the Planning Board and Zoning Board of Appeals.

[1] *Editor's Note: See Executive Law § 810.*

[2] *Editor's Note: **Appendix A** is included at the end of this chapter.*

[3] *Editor's Note: See Executive Law § 810.*

[4] *Editor's Note: **Appendix B** is included at the end of this chapter.*

[5] *Editor's Note: See Ch. 175, Zoning.*

[6] *Editor's Note: The former definition of "Secretary of the Planning Board," which definition immediately followed this definition, was repealed 8-12-1991.*

§ 150-4. Preliminary consultation and project review.

- A. Any sponsor of a project may ask the Planning Board for a confidential preliminary consultation and for preliminary approval or recommendations with respect to the project. The sponsor shall submit to the Planning Board at its place of business a description of the project, a description of the site and, if possible, data concerning dimensions of any proposed structures or improvements.
- B. During the course of such preliminary consultation, the Planning Board shall inform the sponsor of any recommendations it may have with respect to the project.
- C. If the Planning Board gives preliminary approval to the projects, it shall notify the sponsor in writing. Such approval shall not relieve the sponsor from submitting the project for project review.
- D. If during the course of preliminary consultation the sponsor has submitted to the Planning Board all the information required, the Planning Board shall so advise the sponsor and, at the sponsor's request, shall proceed immediately to project review.

§ 150-5. Subdivision application procedures.

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any

offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval, in accordance with the following procedures.

§ 150-6. Sketch plan.

- A. Submission of sketch plan. Prior to subdividing or resubdividing land, any owner of land shall submit to the Clerk of the Planning Board twelve copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of § **150-26** for the purposes of classification and preliminary discussion. . Such sketch plan shall be submitted no later than the 15th day of the month preceding the month of a regular meeting of the Planning Board at which the applicant wants the sketch plan to be first considered by the Board. If the 15th of the month falls on a Saturday, then the submittal date is the Friday before. If the 15th of the month falls on a Sunday, then the submittal date is the Monday after. [Amended 11-19-2018]
- B. Discussion of requirements and classification. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information. Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision, Class A Regional Subdivision or Class B Regional Subdivision, as defined in these regulations. The Board may require when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in § **150-7** of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in §§ **150-8, 150-9** and **150-10**. If the Planning Board finds the proposed project to be a Regional Subdivision, the Board and the subdivider shall comply with the additional procedures outlined in § **150-25**.
- C. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

§ 150-7. Minor subdivision.

- A. Application; fee.
 - (1) Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a minor subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in § **150-27**.
 - (2) All applications for plat approval for minor subdivisions (up to four lots) shall be accompanied by a fee as set forth from time to time by resolution of the Town Board and on file in the office of the Town Clerk.[Amended 8-12-1991; 7-11-1994 by L.L. No. 1-1994]
- B. Number of copies. Twelve copies of the subdivision plat shall be presented to the Clerk of the Planning

Board no later than the 15th day of the month preceding the month of a regular meeting of the Planning Board at which the applicant wants the sketch plan to be first considered by the Board. If the 15th of the month falls on a Saturday, then the submittal date is the Friday before. If the 15th of the month falls on a Sunday, then the submittal date is the Monday after. [Amended 11-19-2018]

- C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.
- D. When officially submitted. The time of submission of the subdivision plat shall be the date on which the Clerk of the Planning Board receives a completed application for plat approval, including the data in § **150-27** of these regulations and the required fee.
- E. Public hearing. Within 62 days of receipt of a completed subdivision plat for approval, the Planning Board may hold a public hearing. In determining whether or not in its discretion to hold a public hearing, the Planning Board shall consider the size and complexity of the activity, the level of public interest and the possibility of a disapproval. In no case shall a plat be disapproved without a public hearing first having been held. Any public hearing shall be advertised in a newspaper of general circulation in the Town within five days before such hearing. [Amended 7-11-1994 by L.L. No. 1-1994]
- F. Action on subdivision plat. If a public hearing is held, the Planning Board shall, within 62 days from the date of such hearing, approve, modify and approve or disapprove the subdivision plat. If no hearing is held, the Planning Board shall approve or modify and approve the subdivision plat within 62 days of the date of submission. [Amended 7-11-1994 by L.L. No. 1-1994]

§ 150-8. Preliminary plat for major subdivision.

- A. Application; fee.
 - (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in § **150-28** hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and § **150-28** of these regulations, except where a waiver may be specifically authorized by the Planning Board.
 - (2) The application for conditional approval of the preliminary plat shall be accompanied by a set fee, plus a per-lot fee (as per the map to be recorded in the office of the Warren County Clerk), which fees shall be as set forth from time to time by resolution of the Town Board and on file in the office of the Town Clerk. [Amended 7-11-1994 by L.L. No. 1-1994]
- B. Number of copies. Twelve copies of the preliminary plat shall be presented to the Clerk of the Planning Board no later than the 15th day of the month preceding the month of a regular meeting of the Planning Board at which the applicant wants the sketch plan to be first considered by the Board. If the 15th of the month falls on a Saturday, then the submittal date is the Friday before. If the 15th of the month falls on a Sunday, then the submittal date is the Monday after. [Amended 11-19-2018]
- C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
- D. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being

subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map and zoning regulations,^[1] if such exist.^[1] *Editor's Note: See Ch. 175, Zoning.*

- E. When officially submitted. The time of submission of the subdivision plat shall be the date on which the Planning Board accepts the completed application for plat approval including the data in § 150-28 of these regulations and the required fee.[Amended 8-12-1991]
- F. Public hearing. A public hearing shall be held by the Planning Board within 62 days after the time of the submission of the preliminary plat for approval. The hearing shall be advertised in a newspaper of general circulation in the Town at least five days prior to such hearing, and the cost of sending or publishing any public notices related to the project shall be borne by the applicant.[Amended 7-11-1994 by L.L. No. 1-1994; 8-12-2002]
- G. Approval of the preliminary plat.
 - (1) Within 62 days after the time of the hearing on a preliminary plat, the Planning Board shall take action to approve, with or without modification or disapprove such preliminary plat, unless that time is extended by mutual consent of the owner and Planning Board. The grounds of any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty-two-day period, unless extended as provided for above, shall constitute an approval of a preliminary plat.[Amended 7-11-1994 by L.L. No. 1-1994]
 - (2) When granting approval to a preliminary plat, the Planning Board shall state, if applicable, the specific changes which it will require in the preliminary plat, the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare, the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat.
 - (3) The action of the Planning Board plus any conditions attached thereto shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Town Board.
 - (4) Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the approval, if any.
 - (5) Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained.

§ 150-9. Plat for major subdivision.

- A. Application for approval; fee.
[Amended 8-12-1991]

- (1) The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application blank available from the Clerk of the Planning Board.
 - (2) All applications for plat approval for major subdivisions (five lots and up) shall be accompanied by a set application fee plus a per-lot fee, which fees shall be as set forth from time to time by resolution of the Town Board and on file in the office of the Town Clerk.[Amended 7-11-1994 by L.L. No. 1-1994]
 - (3) If the final plat is not submitted within six months after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat. If the plan is rejected, the fee will be returned.
- B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Clerk of the Board with the application and twelve copies thereof and one Mylar of the plat, the original and twelve copies of all offers of cession, covenants and agreements and twelve prints of all construction drawings no later than the 15th day of the month preceding the month of a regular meeting of the Planning Board at which the applicant wants the sketch plan to be first considered by the Board. If the 15th of the month falls on a Saturday, then the submittal date is the Friday before. If the 15th of the month falls on a Sunday, then the submittal date is the Monday after. [Amended 11-19-2018]
- C. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date upon which the application has been accepted as complete by the Planning Board. The application shall accompany all data required by § **150-29** of these regulations.[Amended 8-12-1991]
- D. Endorsement of state and county agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Lake George Consolidated Health District or the New York State Department of Health or New York State Department of Environmental Conservation, whomever has jurisdiction. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, county and state agencies. Endorsement and approval by the New York State Department of Health shall be secured by the subdivider before official submission of the subdivision plat. [Amended 11-19-2018]
- E. Public hearing. A public hearing shall be held by the Planning Board within 62 days after the time of submission of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing. However, when the Planning Board deems the final plat to be in substantial agreement with the approved preliminary plat, the Planning Board may waive the requirements for such public hearing, and the cost of sending or publishing any public notices related to the project shall be borne by the applicant.[Amended 7-11-1994 by L.L. No. 1-1994; 8-12-2002]
- F. Action on proposed subdivision plat. The Planning Board shall within 62 days from the date of the public hearing on the subdivision plat or, if said hearing is waived, within 62 days of the submission of the final plat, conditionally approve, disapprove or grant final approval with or without modification. However, the subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of § **150-10**. [Amended 7-11-1994 by L.L. No. 1-1994]

§ 150-10. Required improvements.

A. Improvements and performance bond.

(1) After the Planning board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection **A(1)(a)** or **(b)** below for any subdivision that proposes publicly owned facilities or roads:

(a) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

(b) The subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and the Town Engineer as to form, sufficiency, manner of execution and surety.

(2) The required public improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection **A(1)(b)**, then said map shall be submitted following endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection **A(1)(a)**, such bond shall not be released until such a map is submitted.

B. Modification of design improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer or Zoning Officer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer or Zoning Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

C. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall notify the Zoning Officer in writing of the time when he proposes to commence construction of such improvements so that the Zoning Officer may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of

required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

- D. Proper installation of improvements. If the Town Engineer or Zoning Officer shall find, upon inspection of the public improvements performed before the expiration date of the performance bond, that any of the required public improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the Town Engineer or Zoning Officer shall notify the Town Board and the Planning Board. The Town Board then shall notify the subdivider, and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No new plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.[Amended 7-11-1994 by L.L. No. 1-1994]

§ 150-11. Filing of approved subdivision plat.

- A. Final approval and filing. [Amended 8-12-1991]

- (1) Not more than 62 days after the completion of the public hearing, the Planning Board shall by resolution conditionally approve, disapprove or grant final approval and authorize the signing of the subdivision plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute final approval of the plat. The grounds for a disapproval or conditional approval shall be explicitly set forth in the Board's resolution.[Amended 7-11-1994 by L.L. No. 1-1994]
- (2) In making its decision, the Board shall apply the standards and requirements set forth in §§ **150-9** and **150-10** insofar as those standards are pertinent to the proposed subdivision.
- (3) Upon granting conditional approval of the plat, the Planning Board shall empower the Chairman or Acting Chairman to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his/her office and a copy mailed to the subdivider. The copy mailed to the subdivider shall include a statement of requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be deemed to have received final approval, and the Chairman or Acting Chairman shall sign the plat accordingly. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval, unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted under the circumstances, for one of two additional periods of 90 days each.[Amended 7-11-1994 by L.L. No. 1-1994]

- B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the record of the County Clerk.

§ 150-12. Street acceptances.

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such subdivision plat.

§ 150-13. Ownership and maintenance of recreation areas.

When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

§ 150-14. Cluster development.

Whereas pursuant to a resolution of the Town Board, the Planning Board has been empowered to modify the minimum lot area, minimum lot width and minimum shoreline lot width requirements of Chapter **175**, Zoning, of the Code of the Town of Lake George, in accordance with the provisions of § 281 of the Town Law, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the standards and procedures:

A. Standards.

- (1) The Planning Board may make such modifications only with respect to lands within the Land Conservation (LC), Residential Rural (RR), Residential Medium Density (RM-2) and Residential Commercial Medium Density (RCM-S2) zoning districts.[Amended 7-11-1994 by L.L. No. 1-1994]
- (2) The minimum acreage to which this section may be applicable shall be two times the minimum lot area for the zoning district involved.
- (3) No such modification by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, as specified in Chapter **175**, Zoning, of the Code of the Town of Lake George and as shown on the official Zoning Map.
- (4) No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard for appropriate use of adjoining land.
- (5) In the event that the utilization of this section results in a plat showing lands available for park, recreation or other municipal purposes directly related to the plat, or in a plat showing lands to be retained in open space in order to comply with the average density of lots or dwelling units that is permitted in the zoning district wherein such lands lie, the Planning Board, as a condition of plat approval, may establish in the case of lands for parks, recreation or other municipal purpose, such conditions on the ownership, use and maintenance of such lands as it deems

necessary to assure that preservation of such lands for their intended purposes and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or other conservation restriction to the Town, or other appropriate means against any development or land use inconsistent with their retention in open space.[Amended 8-12-1991]

- (6) The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in Chapter **175**, Zoning, of the Code of the Town of Lake George.

B. Procedures.

- (1) Request by subdivider. A subdivider may request the use of this section simultaneously with the submission of the sketch plan, as described in § **150-6**. Any submission subsequent thereto shall require a resubmission of the sketch plan.
- (2) Alternate sketch plan. A subdivider shall present for the Planning Board's consideration, along with a proposal utilizing the provisions of this section, an alternate sketch plan, with lots meeting the minimum lot area, minimum lot width and minimum shoreline lot width requirements of Chapter **175**, Zoning, of the Code of the Town of Lake George, and shall meet all other standards for a buildable lot, including septic, water, roads, stream and slope considerations.[Amended 8-12-1991]
- (3) Plat submission. Upon determination by the Planning Board that the sketch plan utilizing the provisions of this section is suitable, the procedures attendant to and subsequent to the sketch plan submission, as set forth in this chapter, shall be followed in regular order.
- (4) Local filing; notation on Zoning Map. Any subdivision plat finally approved which involves modifications as provided for in this section shall be filed, in addition to the filing required by § **150-11** hereof, with the Town Clerk, who shall make appropriate notation and reference thereto on the Town Zoning Map.

§ 150-15. General requirements and design standards.

- A. Guidance by standards. In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in § **150-30** herein.

B. General provisions.

- (1) Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- (2) Conformity to Official Map and Master Plan. Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan, if such exists.
- (3) Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Town Engineer.
- (4) Width, location and construction. Streets shall be of sufficient width, suitably located and

adequately constructed to conform to the Master Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardships to adjoining properties and shall be coordinated so as to compose a convenient system.

§ 150-16. Street layout.

- A. Arrangement. The arrangement of streets hereinafter laid out shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided and at a width as great as that of such existing streets but in no case less than 50 feet, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- B. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- C. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a no-access reservation along the real property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- D. Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.
- E. Dead-end streets. The creation of dead-end or loop residential streets will be discouraged wherever the Board finds that such type of development will interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed, the Board may require the reservation of a twenty-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street, if available. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved subdivision plat for which a bond has been filed.
- F. Block size.
 - (1) Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot wide paved path be included.
 - (2) Where, in the opinion of the Planning Board, topographic conditions or efficient land use makes it a real hardship to keep within such limits, it may be modified.

G. Intersections.

- (1) Intersections with collector or major arterial roads. Local or minor streets opening into such roads shall, in general, be at least 500 feet apart.
- (2) Angle of intersection. In general, all streets shall join each other so that for a distance of at least 100 feet, the street is approximately at right angles to the street it joins.

H. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.

I. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

J. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

§ 150-17. Street design.

A. Classification of streets. Streets shall be classified as "minor," "local," "collector" or "major," as those terms are defined in § 150-3 of this chapter.

- (1) [Amended 7-11-1994 by L.L. No. 1-1994]

B. Widths of rights-of-way.

- (1) Streets shall have the following widths:

Type of Street	Minimum Right of Way (feet)	Minimum Pavement (feet)
Minor	50	20
Local	50	20
Collector	50	20
Major	To be determined on an individual basis	

- (2) When not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board.

C. Reserve strips. There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed in the Town under an offer to dedicate.

D. Improvements. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks,

storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer. Such grading and improvements shall be approved as to design and specification by the Town Engineer.

E. Utilities.

(1) Utilities in the street. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connection to the property line of each lot within the subdivision for such required utilities before the street is paved.

(2) Installation.

(a) All underground utilities shall be installed in such street prior to acceptance by the Town. Such underground utilities shall include storm sewer, water and gas mains, telephone, electric power, cable television (at the option of the Planning Board) and sanitary sewer, and they shall be installed without expense to the Town and under supervision of the Town Superintendent of Highways or improvements district having jurisdiction.

(b) In streets and highways beyond reasonably workable distance from existing Sanitary Sewer District limits, dry sanitary sewers shall be installed without expense to the Town, at elevations and slopes established by the Town's designated engineer, and installation shall be made under supervision of said Town-designated engineer.

(3) Fire hydrants (where municipal water is available). Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

(4) Streetlighting (where electric services are available). Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town Electrical Inspector.

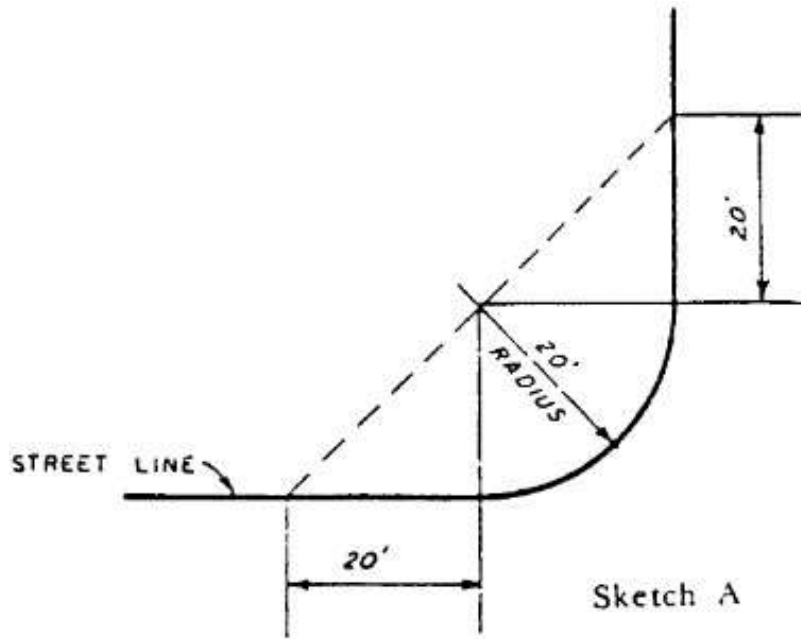
F. Grades.

(1) Grades of all streets shall conform in general to the terrain and shall not be less than one-half percent (1/2%) nor more than 6% of major or collector streets, or 10% for minor or local streets in residential zones, but in no case more than 3% within 50 feet of any intersection.

(2) All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of Town Engineer or Superintendent of Public Works so that clear visibility shall be provided for a safe distance.

G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius, and curbs shall be adjusted accordingly.

- H. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



- I. Dead-end streets (cul-de-sacs). Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround and a minimum right-of-way radius of 60 feet shall be provided, unless the Planning Board approves an alternate arrangement.
- J. Watercourses and drainage.
- (1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.
 - (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Engineer or Zoning Officer, and no less than 20 feet in width.
- K. Commercial developments.
- (1) Service streets or loading space. Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use. These requirements shall be in addition to street requirements of any such development.
 - (2) Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board with consultation of Superintendent of

Department of Public Works or Town Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

- L. Placement of monuments. Sufficient monuments shall be placed to properly reproduce each and every street laid out. Street markers must be placed at all corners and at intervals not exceeding 500 feet to tangent lengths over 1,000 feet long. Monuments shall be either granite with a cross cut in the top, or concrete with a bronze plate or galvanized pipe set in the same. Monuments shall be four by four (4 x 4) inches at the top and bottom, and four feet long (minimum size).
- M. Street signs. Street signs (safety and names) and posts shall be furnished and properly placed by the developer. Street signs shall conform in type to the Town standard. Guide rails where required for highway ditch or culvert protection or as a general safety measure shall be placed as specified by the Town Highway Superintendent.

§ 150-18. Construction of roads.

Prior to being offered for dedication to the Town, all streets shall be completely graded, all underground utilities shall have been installed in accordance with all provisions of this chapter, base course of gravel shall have been placed, graded and completed and taped, curbing and sidewalks as required shall have been installed in conformance with the applicable standards as shown on the attached schedule "Highway Cross Section and Specifications," **Appendix D** herein,^[1] and revegetation procedures shall have been utilized as required by this section.^[1]*Editor's Note: Appendix E is included at the end of this chapter.*

§ 150-19. Offers of street dedication.

- A. All applications for approval shall be made in writing to the Town Board and Town Superintendent of Highways and the Town Planning Board, and shall specify name, starting point, direction distance and ending point.
 - (1) No road may be dedicated to the Town without first being approved by the Planning Board. The Planning Board in its review shall determine if the Board's location is compatible with the system of Town roads. Number of copies. An applicant intending to submit a street dedication application for the approval of the Planning Board shall provide the Clerk of the Board twelve copies of the information in section 150-19(B) accompanied by a cover letter stating the request and twelve copies of all offers of cession, covenants and agreements no later than the 15th day of the month preceding the month of a regular meeting of the Planning Board at which the applicant wants the sketch plan to be first considered by the Board. If the 15th of the month falls on a Saturday, then the submittal date is the Friday before. If the 15th of the month falls on a Sunday, then the submittal date is the Monday after. [Amended 11-19-2018]
 - (2) Existing as well as new roads shall not be dedicated until they have been improved to meet the standards herein set forth.
- B. The application will be accompanied by:
 - (1) Three copies of the subdivision and street plan and profiles of each street showing existing and proposed grades.

(2) The warranty deed, if possible, or a quitclaim deed conveying said street to the Town with all necessary releases from mortgages or other claimants.

(3) Title search, 30 years.

(4) Tax search.

(5) Maps (three copies) which shall:

(a) Be of a scale of one inch equals 50 feet.

(b) Show contours based on United States Geological Survey datum at intervals of not greater than five feet) unless otherwise specified by the Planning Board.

(c) Show a location plan with a scale of one inch equals 1,000 feet.

(d) Show all drainage areas tributary to the development.

(e) Show all proposed streets, roads and highways and lots with necessary survey data.

(f) Show proposed finished street, road or highway grades. A separate supplementary map of that portion of streets, roads or highways to be conveyed shall be submitted showing building lots and restrictions and names of the abutting owners.

(g) Show location of permanent monuments.

(h) Show the proposed name of all streets or roads.

(i) Show a profile of the streets or roads at a horizontal scale of one inch equals 50 feet maximum, and a vertical scale of not less than one inch equals five feet, which shall show the original surface, finished grade and other pertinent information.

(j) Show the proposed method of collection and disposal of surface waters.

C. No street, roadway or highway shall be accepted between October 1 and May 1 in any year unless, in the opinion of the Town Superintendent of Highways, weather would permit proper construction after October 1 or before May 1.

D. Approval in writing shall be obtained:

(1) By the owners and/or developers from the New York State Department of Transportation regarding drainage where proposed streets or highways intersect state roads for its permission to connect said streets with such roads.

(2) By the owners and/or developers from the Warren County Superintendent of Highways regarding drainage where proposed streets or highways intersect county roads for his permission to connect said streets with such roads.

(3) By the owner and/or developer from the Department of Environmental Conservation regarding the culverting, bridging or diversion of any stream or watercourse.

(4) By the owners and/or developers from the Town Superintendent of Highways regarding drainage where proposed streets or highways intersect Town roads for his permission to connect said streets with said roads.

E. All cleared areas associated with the construction of roads offered for dedication, excluding those areas comprising road surfaces or shoulders, all exposed borrow areas and all cut and fill slopes, including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions. Ditch bottoms shall be constructed to minimize soil erosion during periods of design flow by means of revegetation, sodding, mulching, netting, stone paving, riprap and other materials or combinations of these, depending on hydraulics and soil properties.

F. All previous regulations or resolutions affecting the acceptance of streets by the Town are hereby rescinded.

G. If, in the opinion of the Town Superintendent of Highways and the Town Planning Board, the proposed streets or highways and drainage system constructed by the owners and/or developers are completed in accordance with the plans signed by the above (the Town representatives), the Town Superintendent of Highways and the Town Planning Board will recommend to the Town Board that the streets be accepted within 30 days. The Town Board may refuse to accept a proposed street or highway notwithstanding that it conforms to all the provisions of this chapter. The Town Board may in its discretion accept a proposed street or highway notwithstanding that it does not conform to all the provisions of this chapter if, in its judgment, the public interest will best be served by such acceptance, and subject to such conditions as the Town Board may propose.

H. Improvement.

(1) Before any street or highway shall be accepted for dedication and before any building permits are issued for structures abutting such proposed street or highway, the same shall be suitably improved to the satisfaction of the Town Superintendent of Highways and the Town Board of the Town of Lake George in accordance with the standards and specifications set forth and approved herein.

(2) In the discretion of the Town Superintendent of Highways and the Town Planning Board, a cash performance bond sufficient to cover the full cost of such improvements as estimated by the Town Superintendent of Highways and the Town Planning Board shall be furnished to the comptroller and the Town by the person seeking to dedicate such highway.

(3) Such cash performance bond shall be in a sufficient amount to assure completion of the highway within a stated period of time and shall empower the Town Superintendent of Highways to utilize the moneys as posted to complete the highway as needed.

§ 150-20. Lots.

A. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with Chapter **175**, Zoning, of the Code of the Town of Lake George, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

B. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

- C. Driveway access. Driveway access and grades shall conform to specifications of the Town Driveway Ordinance, if one exists. Driveway grades between the street and the setback line shall not exceed 10%.
- D. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.
- E. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the subdivision plat.
- F. Lots for individually owned townhomes and condominiums. Lots that are created through subdivision of land intended for townhomes and/or condominium use, where each unit and/or building is separately owned, must proceed through the subdivision process and adhere to all provisions identified in Chapter 175, Zoning. One exception to this provision is for subdivisions creating lot lines surrounding individually owned townhome/condominium units, in which case the yard setback requirements in Schedule II shall not apply to those individual unit lot lines. Setbacks from the overall common parcel to the building envelopes must be adhered to, as well as the underlying zoning district's density requirements. [Added 11-19-2018 by LL3-2018]

§ 150-21. Sanitary sewer system.

- A. Public sewer system.
 - (1) Where a public sanitary sewer system is reasonably accessible, the subdivider shall install sanitary sewers and adequately serve all lots with connections to the public system.
 - (2) Where a public sanitary sewer is not reasonably accessible, but where the plans for the same have been prepared and arrangements made for financing the work, then the subdivider shall install sewers in conformity with such plans, although a connection with an existing public sewer may not be immediately practicable. In such case, and until such connection is made with the sewer system, the subdivider shall provide for disposal of sanitary sewage by an alternate approved method.
- B. Location of on-site sewage disposal system. In the case of all lakes, ponds, rivers and streams or any swamp, marsh or wetland, the minimum setback of any on-site sewage drainage field or seepage pit shall be 100 feet from the mean high-water mark irrespective of zoning district or land use area classification. The Consolidated Board of Health or the Adirondack Park Agency in its review of a Class A regional project shall have authority to require a greater setback of any on-site sewage drainage field or seepage pit than the minimum hereinabove set forth, if the appropriate officer or body shall determine that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of the water body involved. See Chapter 115, On-Site Wastewater Treatment Systems, of the Code of the Town of Lake George for on-site septic design requirements.

§ 150-22. Water mains.

In areas where an approved public water supply is reasonably accessible or procurable, the subdivider shall contract with the local water distributing agency to make the water supply available for each lot within the subdivided area. Water mains shall be provided by the subdivider to specifications approved

by the local agency and the necessary trench shall be dug, the main laid and the trench backfilled by the subdivider to the approval of the agency. Provisions shall be made for adequate fire protection.

§ 150-23. Drainage improvements.

- A. Removal of spring and surface water. The subdivider may be required by the Planning Board, subject to the criteria for wetlands to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by Chapter 175, Zoning, of the Code of the Town of Lake George, in the watershed.
- C. Responsibility from drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodical or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.**[1][1]** *Editor's Note: See also Chapter 83, Flood Damage Prevention.*

§ 150-24. Parks, open spaces and natural features.

[Amended 11-19-2018]

- A. Parks and playground not shown on Town Plan. The Planning Board shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose / open space. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat. A subdivider of a tract of land containing 10 or more acres shall provide land for open space or recreation purposes at the proportionate rate of one acre per each 50 lots. Open space land shall be of the same character as land to be subdivided, except where such land abuts any existing public open space or is a portion of a stream protection or flood control area. Such area or areas may be dedicated to the Town or county by the subdivider if the Town Board approves such dedication.
- B. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board three prints (one of Mylar) drawn in ink showing, at a scale of not less than 30 feet to the inch, such area and the following

features thereof:

- (1) The boundaries of said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.
- (3) Existing, and, if applicable, proposed changes in grade and contours of said area and of area immediately adjacent.

C. Waiver of plat designation of area for parks and playgrounds.

- (1) In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground, open space or other recreation purpose cannot be properly located therein, or if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Subsection A.[Amended 7-11-1994 by L.L. No. 1-1994]

D. Reserve strips discouraged. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall be discouraged.

E. Preservation of natural features.

- (1) The Planning Board shall establish the preservation of all natural features which add value to residential developments and to the community. The layout shall take advantage of the natural contours and the original vegetation. Natural features such as large trees and groves, watercourses, beaches, vistas and similar irreplaceable assets shall be preserved in designing and construction and subdivision. Of special concern is the conservation of the wooded character of the skylines, hillsides and lakefronts. No tree with a diameter of eight inches or more, as measured three feet above the base of the trunk, shall be removed unless such tree is within the right-of-way of a street as shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of eight inches or more as measured three feet above the base of the trunk be removed without prior approval by the Planning Board.
- (2) In a residential subdivision, all houses shall be sited properly. Setbacks should be varied in order to preserve trees so that each house has maximum privacy and the best view.

§ 150-25. Regional subdivisions.

- A. Applicability of this section. When a proposed subdivision is a regional subdivision, the provisions of this section shall apply in addition to all other provisions of these regulations. For the purpose of these regulations, if a subdivision constitutes both a Class B Regional Subdivision and a Class A Regional Subdivision, it shall be deemed a Class A Regional Subdivision in its entirety.
- B. Special requirement for approval of Class B Regional Subdivisions.

- (1) When a proposed subdivision is a Class B Regional Subdivision, the Planning Board shall not

render approval or conditional approval or approval with modifications under this chapter, unless the Board first determines that the subdivision would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider those factors pertinent to the subdivision contained in the development considerations set forth at **Appendix C** hereof.**[1][1]** *Editor's Note: Appendix C is included at the end of this chapter*

(2) When the Planning Board renders final approval of a Class B Regional Subdivision under this section, the Board shall issue a permit authorizing the subdivider to undertake the subdivision in accordance with any terms and conditions set forth therein. The Planning Board, in conjunction with its approval of any Class B Regional Subdivision, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to ensure that guidelines as to intensity of development as provided in Chapter **175**, Zoning, of the Code of the Town of Lake George shall be respected, and the imposition of reasonable conditions to ensure that the subdivision will be adequately supported by services and improvements made necessary thereby and to ensure that the subdivision will be completed in accordance with the terms of the approval and permit. In addition, the Planning Board may incorporate any such requirements and conditions in the permit issued with regard to such Class B Regional Subdivision.

C. Special additional procedures regarding Class B Regional Subdivisions. When a proposed subdivision is a Class B Regional Subdivision, within 10 days following receipt of a completed application under §§ **150-7A** and **150-8A**, the Planning Board shall furnish the Adirondack Park Agency a copy of the application and plat, together with such further pertinent information as the agency may deem necessary. The Planning Board shall also mail a copy of the notice of public hearing on the subdivision to the Agency at least five days before such hearing. The Agency shall be a full party in interest withstanding to participate in the hearing and other proceedings pursuant to this section relative to Class B Regional Subdivisions.**[Amended 7-11-1994 by L.L. No. 1-1994]**

D. Criteria and certain procedures for Adirondack Park Agency review of Class A Regional Subdivisions.

(1) The Adirondack Park Agency's review of Class A Regional Subdivisions within the territory of the Town pursuant to and in accordance with Section 809, Subdivision 9, of the Adirondack Park Agency Act,**[2]** shall be governed by the criteria and certain procedures hereinafter set forth, as well as those set forth in the Act and the applicable Agency rules and regulations.**[2]** *Editor's Note: See Executive Law § 809, Subdivision 9.*

(2) As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A Regional Subdivision, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the application and formulating advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the Town land use program. No later than 30 days following receipt by the Planning Board from the Agency of such notice of application completion with regard to a Class A Regional Subdivision, or such shorter period as may be agreed upon in writing by the Agency and the Town, the Planning Board shall,

by certified mail, provide to the Agency its advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the Town land use program. Should the Planning Board fail to provide such recommendations with such thirty-day or otherwise agreed- upon period, the Agency may make the finding required by Subsection **D(3)** hereof without receipt of such recommendations.

- (3) The Adirondack Park Agency shall not approve a Class A Regional Subdivision unless it first determines, after consultation with the Planning Board and seeking advisory recommendations of the Planning Board relative to the subdivision, that the subdivision would comply with all the pertinent requirements and conditions of the Town land use program.
- (4) In making the determination required by Section 809 of the Adirondack Park Agency Act^[3] as to the impact of a proposed Class A Regional Subdivision upon the resources of the Adirondack Park, including the ability of all levels of government to provide supporting facilities and services made necessary by the subdivision, the Agency shall consider those factors pertinent to the subdivision contained in the development considerations set forth in Appendix C hereof.^[4]^[3]Editor's Note: See Executive Law § 809.^[4]Editor's Note: Appendix C is included at the end of this chapter.

E. Establishment of joint procedures with the Adirondack Park Agency for review of Class A Regional Subdivisions. The Planning Board may establish whatever joint procedures with the Adirondack Park Agency for review of Class A Regional Subdivisions which the Board in its discretion deems desirable to minimize duplication and generally expedite the review process.

§ 150-26. Sketch plan requirements.

- A. The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet.
- B. The sketch plan shall be submitted, showing the following information:
 - (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - (2) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
 - (3) The name of the owner and of all adjoining property owners are disclosed by the most recent municipal tax records.
 - (4) The Tax Map sheet, block and lot numbers, if available.
 - (5) All the utilities available and all streets which are either proposed, mapped or built.
 - (6) The proposed pattern of lots (including lot width and depth), street layout recreation areas, systems of drainage, sewerage and water supply [see § **150-27A(3)**] within the subdivided area.

(7) All existing restrictions on the use of land, including easements, covenants or zoning lines.

§ 150-27. Minor subdivision plat requirements.

- A. In the case of minor subdivision only, 12 copies of the minor subdivision plat and application shall be submitted, and the subdivision plat application shall include the following information:
- (1) A copy of such covenants of deed restrictions as are intended to cover all or part of the tract.
 - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments, and shall be referenced and shown on the plat.
 - (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Town of Lake George On-Site Wastewater Treatment Systems ordinance (Ch.115), State Department of Health or State Department of Environmental Conservation, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
[Amended 11-19-2018]
 - (4) Proposed subdivision name, name of the Town and county in which it is located.
 - (5) The date, north point, map scale, name and address of record owner and subdivider.
- B. The plat to be filed with the County Clerk shall be printed upon linen or be clearly drawn in India ink upon tracing cloth. The size of the sheet shall be twenty-two by twenty-six (22 x 26) inches.

§ 150-28. Major subdivision preliminary plat and accompanying data requirements.

- A. Twelve copies of the preliminary plat prepared at a scale of not more than 100, but preferably not less than 50, feet to the inch shall be submitted, showing : [Amended 11-19-2018]
- (1) Proposed subdivision name, name of Town and county in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
 - (2) The name of all subdivisions immediately adjacent and the name of the owners on record of all adjacent property.
 - (3) Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or Chapter **175**, Zoning, of the Code of the Town of Lake George text applicable to the area to be subdivided.
 - (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.

- (6) Location of existing sewers, water main, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (7) Contours with intervals of five feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Show location of connection to existing lines and all stormwater management facilities or alternate means of disposal.
- (11) Plans and cross-sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.
- (12) Preliminary designs of any bridges or culverts which may be required.
- (13) The proposed lot lines with approximate dimensions and area of each lot.
- (14) Where the topography is such as to make difficult inclusion of any of the required facilities within the public area as laid out, the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
- (15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.

- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holdings submitted shall be considered in the light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract shall be submitted.

§ 150-29. Major subdivision plat and accompanying data requirements.

The following documents shall be submitted for plat approval:

- A. A Mylar delineating the plat, which shall be filed with the County Clerk. [Amended 8-12-1991]
- (1) The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional Mylar of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible.
 - (2) The plat shall show:
 - (a) Proposed subdivision name of identifying title and the name of the Town and county in which the subdivision is located; the name and address of record owner and subdivider; name, license number and seal of the licensed land surveyor.
 - (b) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - (c) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 - (d) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.
 - (3) The plat shall also show, by proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
 - (4) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 - (5) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
 - (6) Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.

(7) All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least 3/4 inch (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.

(8) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

§ 150-30. Variances and waivers.

A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may waive the regulations so that substantial justice may be done and the public interest secured; provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan or Chapter **175**, Zoning, of the Code of the Town of Lake George, if such exists. The Planning Board cannot grant relief or waivers of dimensional requirements found in the Zoning Code, Chapter 175. [Amended 11-19-2018]

B. The Zoning Board of Appeals may grant variances from the dimensional requirements identified in the Zoning Code, Chapter 175, subject to the criteria therein. [Added 11-19-2018 by LL3-2018]

C. Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.

D. In granting variances and modifications, the Planning Board and Zoning Board of Appeals shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

§ 150-31. Special consulting fees.

[Added 3-12-2001 by L.L. No. 1-2001]

A. The Planning Board, in its review of subdivision applications, may employ consultants, legal counsel, professional engineers and/or inspection services to provide assistance and advice in the review of any application, including on-site investigation, evaluation and inspection; verification of the accuracy of information submitted; evaluation of the adequacy of plans and the sufficiency of submitted reports; study of the impact of proposals upon the resources and environment of the Town; preparation and/or review of environmental impact statements; review of the design and layout of improvements; inspection of installed improvements; and such other services or technical assistance as the Planning Board deems necessary for its review of the application.

- B. All costs incurred for these special consulting services shall be borne by the applicant. Fees for the preparation or review of environmental impact statements shall be as determined by 6 NYCRR Part 617, adopted pursuant to Article 8 of the Environmental Conservation Law. [Amended 11-19-2018]
- C. After the Planning Board has rendered its decision on an application, the balance of the special services shall be paid to the Town within 30 days of receipt of invoice. [Added 11-19-2018 by LL3-2018]
- D. Payment to cover incurred costs in full shall be a condition to final approval of any application by the Planning Board, if special consulting services are required. No permit approval shall be signed, stamped, sent or otherwise valid until and unless such amount is paid. [Added 11-19-2018 by LL3-2018]

§ 150-32. Lot Line Adjustments

[Added 11-19-2018 by LL 3-2018]

- A. A "lot line adjustment" is a modification of a boundary line between two or more adjacent legally existing parcels where the modification complies with the following criteria:
 - 1. No new parcel(s) would be created, and no existing parcel(s) would be deleted as a result of the proposed lot line adjustment.
 - 2. No conforming parcel would become non-conforming in any respect as a result of the proposed lot line adjustment.
 - 3. If any parcel that would be the subject of a proposed lot line adjustment is already non-conforming, the proposed lot line adjustment would not make such parcel more non-conforming in any respect.
 - 4. If a proposed lot line adjustment would make a conforming parcel non-conforming in any respect, or would make an existing non-conforming parcel more non-conforming in any respect, one or more Area Variances, as necessary, must first be obtained from the Zoning Board of Appeals to provide relief from such resulting non-conformity or non-conformities as a prerequisite to any further review and approval of an application for a lot line adjustment.
 - 5. The proposed adjustment does not alter public rights-of-way, existing easements, or other lots
 - 6. The proposed adjustment does not conflict with Adirondack Park Agency Regulations.
- B. Permit Requirements. Applications for a lot line adjustments are available in the Planning and Zoning Office, and shall be submitted to the Zoning Officer for review with the following:
 - 1. A \$25 Lot Line Adjustment application fee complete with the Lot Line Adjustment application
 - 2. A survey map showing: (1) the existing configuration of the lots that will be the subject of the proposed lot line adjustment, (2) the proposed configuration of such lots if the lot line adjustment is approved, and (3) any existing site features on the subject lots, such as structures, water, septic or sewer facilities, roads, and natural features.
 - 3. A cover letter explaining the proposed adjustment

C. Procedure.

1. Upon receipt of an application for a proposed lot line adjustment, the Zoning Officer shall review the application materials and make a determination as to whether the application is complete or more information is needed, and shall advise the applicant of such determination.
2. After the application is determined to be complete, the Zoning Officer shall review the proposed lot line adjustment with the Town Assessor. The applicant and his or her representative shall be notified of any concerns arising from such review which may delay approval of the application.
3. The Zoning Officer shall limit his or her review and approval of a proposed boundary line adjustment to a determination of whether or not the parcels, after the proposed lot line adjustment, will conform to the requirements of this Section 150-32 and shall not impose conditions or exactions on the approval except to conform to the requirements of this Section and/or to facilitate the relocation of existing utilities, infrastructure, easements or improvements.
4. Within thirty (30) days after the lot line adjustment application has been determined to be complete, the Zoning Officer shall approve, conditionally approve or disapprove of the application for the proposed lot line adjustment or notify the applicant and his or her representatives, if any, that one or more variances is/are required as a prerequisite to approval of the application. If the application is approved, the Zoning Officer shall sign and stamp the plat map for the lot line adjustment. If the application is approved with conditions, the Zoning Officer shall determine whether the conditions must be satisfied before the plat map is signed and stamped or, alternatively, whether the conditions shall be noted on the plat map before it is signed and stamped.

- D. Filing. Filing for a lot line adjustment shall not be considered final until the signed and stamped plat map for the lot line adjustment and a deed or lot line adjustment agreement, containing any appropriate exhibits and new legal descriptions reflecting the adjustment, have been recorded with the County.