

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

ARTICLE XII - CHAPTER 190-12 (as last amended 8/28/08 by LL#8-08)

Subdivision

A. Classification.

- (1) Exempt Subdivision. Transfer of real property from one parcel of land to an adjoining parcel such that no new lots are created (transferred property must be merged with the receiving parcel), provided that neither parcel is shown on a previously filed subdivision map. No review pursuant to this Article shall be required for such actions; however, the transfer may not create or increase any non-conformance to the dimensional requirements Article of this Chapter.
- (2) Minor Subdivision. Subdivision of a parcel of land into four (4) lots or fewer, where no new public streets are required.
- (3) Subdivision Amendment.
 - (a) Division of land for commercial, industrial, or multi-family residence use in a previously filed subdivision, where resultant parcels are subject to Planning Board site plan review, and no new public streets or utilities are required.
 - (b) Transfer of real property from one parcel of land to an adjoining parcel such that no new lots are created, where any of the affected parcels is shown on a previously filed subdivision map.
- (4) Major Subdivision. Any subdivision not classified as exempt, minor, or an amendment. Any application made for further subdivision of a lot or lots created in a minor subdivision, within five calendar years of the date of filing of the approved plan, shall be considered a major subdivision if the total number of lots created from the original subdivided parcel is five or greater.
- (5) Conservation Subdivision. A major subdivision developed pursuant to the provisions of the Conservation Development Overlay District Standards as set forth in the Overlay Districts Article of this Chapter. The Planning Board may, in its discretion, apply the Overlay District standards to a subdivision of land outside the limits of the Overlay District, subject to the Additional General Requirements for Conservation Subdivisions as set forth below.

B. General requirements and standards.

- (1) General Requirements
 - (a) Application. All applications for subdivision approval shall be made by the owner of the property to be subdivided, or by a party with a purchase agreement for the property. The applicant

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shall bear the sole responsibility for ensuring that all improvements are completed in accordance with approved plans, specifications, and standards.

- (b) Compliance with Land Use Law. The project shall conform in all respects to the Land Use Law of the Town of Colonie, except insofar as the area requirements may be modified by the Planning Board pursuant to a conservation subdivision development. Area requirements not specifically modified by a conservation subdivision approval shall remain as specified in the Land Use Law. Subdivision applications shall contain only those primary and accessory uses which are permitted in the district in which the subdivision is proposed. The Town Zoning Board of Appeals shall retain full jurisdiction to grant both area and use variances as provided by the Land Use Law, including the authority to further vary area requirements as modified by the subdivision approval.
- (c) Compliance with official map and Comprehensive Plan. The subdivision proposal shall conform to the Town's official highway map and to the Town Comprehensive Plan.
- (d) Compliance with other regulations. The applicant shall comply with all applicable federal, state, and local laws, rules, and regulations, including but not limited to the Town Highway Law, the New York State Environmental Quality Review Act (SEQRA), the New York State Freshwater Wetlands Act, the U.S. Environmental Protection Agency and NYS Department of Environmental Conservation stormwater runoff regulations.
- (e) Impact on health, safety and general welfare. The project shall not be detrimental to the health, safety or general welfare of persons residing in the vicinity nor injurious to property or development in close proximity. Other pertinent information may be required by the Planning Board or Town Board whenever necessary for the proper review of potential impacts in relation to the health, safety, welfare, comfort and convenience of the community.
- (f) Environmental quality. Preservation of all bodies of water, ground water, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, outstanding natural topography, significant geological features, habitat for rare, unique, threatened, endangered or protected species of plants and animals, and other areas of scenic, ecological, and historic value shall be a primary consideration in the design of the subdivision; soil erosion and flood hazard shall be minimized; air quality shall be within legal limits; and all potentially ecologically disruptive

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elements of site preparation, such as blasting, diversion of watercourses and the like, shall be conducted according to the highest standards of professional care.

- (g) Location and dimension of buildings. The location, arrangement, sizes and design of buildings, lighting, and signs shall be compatible with each other and with the site as a whole. Sufficient separation between buildings shall be maintained to ensure adequate access, circulation, light, air, and solar access.
- (h) Pedestrian/Bicycle accommodations. Separate pedestrian or bicycle access and circulation may be provided both within the site and to adjacent streets, with particular attention to all intersections with vehicular traffic. Pedestrian and bicycle access issues on adjacent streets may also be considered by the Town. All walkways and bikeways proposed to be maintained by the Town within the project site shall be identified on the plans and shall be hard surfaced, have a minimum width of five feet, and meet applicable handicapped accessibility requirements. All separate walkways and bikeways shall be safe, adequate and convenient.
- (i) Handicapped accessibility. Pedestrian walkways, entrances and exits, and parking designed for use by the handicapped shall be provided in accordance with the requirements of NYS and Federal Law (e.g., New York State Uniform Fire Prevention and Building Code, the New York State Vehicle and Traffic Law, and the Americans With Disabilities Act.) Where the requirements of these laws conflict, the most stringent requirements shall be met.
- (j) Fire protection. All proposed structures, service areas, fire lanes, water distribution lines, hydrants, equipment, and material shall be designed to facilitate the protection of the proposed structures from fire. Sufficient water supply shall be provided for fire-fighting purposes.
- (k) Lot buildable area. All lots shall be laid out to provide sufficient buildable area. Lots including areas of Constrained Land shall have at least 75% of the minimum lot area required under the Dimensional Requirements Article of this Chapter located outside the boundaries of the Constrained Land.
- (l) Frontage on Street. Each lot shall have direct frontage of at least 15' on an improved Street, and provision for vehicular access to said Street, in accordance with Section 280a of the State of New York Town Law. A greater frontage may be required pursuant to other provisions of this Chapter. Such frontage may be on a public Street, or on a private Street owned

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by a homeowners' association or condominium association, in which the lot owner has an ownership interest by virtue of membership in the association, and which Street connects to a public Street. Vehicular access to the Street may be directly through the subject lot, or by easement through an adjacent lot or lots, subject to approval by the Planning Board.

- (m) Grading. All lots shall be graded to provide positive drainage of surface water from all points on the lot to a storm water disposal system or drainage channel. The elevation at any opening into a habitable building shall be raised at least 12" from the elevation of the point of inlet to the storm system or drainage channel, and a minimum slope of 1% shall be maintained between the opening and the point of inlet.
 - (n) Existing public Streets and adjacent lands to be kept clean. The Applicant shall be responsible for keeping existing public Streets and adjacent lands free of debris, soil, and other matter which may accumulate due to construction related to the subdivision.
 - (o) Other necessary permits or approvals. The applicant shall obtain any necessary permits or approvals from state or county agencies prior to issuance of any final subdivision approval.
 - (p) Issuance of Grading Permit. A grading permit as provided for in this Chapter may only be applied for with respect to any proposed subdivision upon receipt of a final subdivision approval. Until such time, no grading or clearing shall be done on the subject site.
- (2) Additional General Requirements for Minor Subdivisions
- (a) Adequate buffering shall be established to mitigate the impacts of visual and noise pollution, to the satisfaction of the PEDD.
 - (b) All restrictive covenants proposed by the applicant shall be submitted to the PEDD for the PEDD's information.
 - (c) The PEDD, may, at its discretion, require the submission of such additional information or reports as it deems necessary to conduct its review.
 - (d) The PEDD, may, at its discretion, require that provision be made for public amenities and off-site improvements as conditions of their approval, provided that the same have a rational nexus to the subdivision. Such improvements or amenities shall be installed or provided for prior to issuance of any building permits within the subdivision. The PEDD may, at its discretion, accept the deposit with the Town Comptroller of a cash escrow in an amount sufficient to complete such requirements in cases where their completion would not be practical prior to issuance of building permits. In such cases, a reasonable time shall be set

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by the PEDD for completion of the work, and the Town shall have the authority to use the funds on deposit to perform the work if the applicant fails to so in the allotted time.

- (e) A minimum of two 2" - 2 1/2" caliper shade trees shall be planted or preserved in the front yard of each lot, and three in each cul-de-sac island, unless waived by the PEDD.
- (3) Additional General Requirements for Major Subdivisions
- (a) Adequate buffering shall be established to mitigate the impacts of visual and noise pollution, to the satisfaction of the Planning Board.
 - (b) All restrictive covenants proposed by the applicant shall be submitted to the Planning Board for the Board's information.
 - (c) The Planning Board, may, at its discretion, require the submission of such additional information or reports as it deems necessary to conduct its review.
 - (d) The Planning Board, may, at its discretion, require that provision be made for public amenities and off-site improvements as conditions of their approval, provided that the same have a rational nexus to the subdivision. Such improvements or amenities shall be installed or provided for prior to issuance of any building permits within the subdivision. The Planning Board may, at its discretion, accept the deposit with the Town Comptroller of a cash escrow in an amount sufficient to complete such requirements in cases where their completion would not be practical prior to issuance of building permits. In such cases, a reasonable time shall be set by the Planning Board for completion of the work, and the Town shall have the authority to use the funds on deposit to perform the work if the applicant fails to so in the allotted time.
 - (e) All streets shall be deeded to the Town of Colonie, except that in a conservation subdivision streets may, if deemed appropriate by the Planning Board, be owned and maintained by a homeowners' association or condominium association, provided that each lot owner has an ownership interest in the streets by virtue of membership in the association.
 - (f) All Town streets and drainage systems shall be designed and constructed in accordance with the Town of Colonie Highway Law and Highway and Drainage Standards, and all applicable County, State, and Federal standards.
 - (g) All water and sanitary sewer lines shall be designed and installed in accordance with the Latham Water District Standard Specifications for Water Distribution Systems and the Rules and

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Regulations of the Department of Public Works, Division of Pure Waters, respectively.

- (h) All streets shall be laid out to provide a convenient system of traffic flow, without causing undue hardship to adjoining properties. The street layout shall provide for the extension of existing major streets and future access to adjoining undeveloped lands.
- (i) Streets and lots should be laid out with consideration to existing topography to minimize clearing and grading.
- (j) Lots adjacent to any major street shall be laid out to avoid adverse effects due to traffic on the street. Protective measures may include the provision of marginal access streets, driveway backarounds, or creation of deep lots with buffer strips.
- (k) A minimum of two 2" - 2 1/2" caliper shade trees shall be planted or preserved in the front yard of each lot, and three in each cul-de-sac island, unless waived by the Planning Board.
- (l) Every residential building lot shall have conduit for cable television lines installed across the entrance to any driveway or other pavement built on the lot, in the proposed location of the cable television line, at a minimum depth of 12" below finished grade. Said conduit shall be installed by the applicant for the building permit or his agent prior to paving of the driveway, and the location of said conduit shall be shown on the foundation location plan for the lot.
- (m) Landscaping. The plan must incorporate the preservation and supplementation of existing vegetation, and the screening of parking and service areas from general view. The plant or other landscaping materials that best serve the intended function shall be selected. All plant materials shall conform to the American Standard for Nursery Stock (ANSI Z60.1-1986) of the American Association of Nurserymen, or equivalent standard accepted by the Town of Colonie Planning and Economic Development Department, and shall be installed and maintained in accordance with accepted industry practice. If for any reason specifically identified elements of the landscape plan do not survive, the dead material shall be removed and replaced by the property owner.
- (n) Open space. If the project results in a plat showing lands available for a park, recreation, or open space directly related to the plat, then the Planning Board, as a condition of plat approval, shall establish such conditions on the ownership, use, and maintenance of such lands shown on the plat as it deems necessary to ensure the preservation of such lands for their

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intended purposes. The subdivision shall result in the preservation of parkland, recreation areas or open space land with suitable access, shape, dimension, character, location and topography so as to be suitable, in the judgment of the Planning Board, for such use.

- (o) Impact on infrastructure. The proposed project shall not place an undue burden on the capacity of the existing infrastructure (i.e., streets, drainage, and utilities). Should infrastructure capacity be inadequate, the project sponsor shall be required to either make the necessary improvements to the infrastructure to accommodate the project, or mitigate the impact on said infrastructure.
- (4) Additional General Requirements for Conservation Subdivisions. A conservation subdivision of land located outside the boundary of a Conservation Development Overlay District shall be subject to the provisions of the Overlay Districts Article of this Chapter with respect to:
 - (a) Density calculation and density increase
 - (b) Conservation Analysis (except that the requirement for preservation of a minimum of 40% of unconstrained land shall not apply.)
 - (c) Lot sizes
 - (d) Other area and dimensional requirements
 - (e) Conservation development design
 - (f) Road standards
 - (g) Permanent open space
 - (h) Preservation by permanent easement
 - (i) Ownership of open space land

C. Review Procedure and Submittal Requirements.

- (1) Minor Subdivision. Application shall be made to the Planning and Economic Development Department (PEDD) for minor subdivision approval.
 - (a) Zoning verification. An application for Zoning Verification must be made to the Building Department as outlined in the Overview of Permits and Approvals Article of this Chapter. The Building Department will issue its verification to Planning and Economic Development Department (PEDD) and the applicant. The PEDD will notify the applicant of necessary documentation to accompany the application for subdivision review.

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- (b) Final Plan Submission. The applicant shall present a final plan submission to the PEDD as detailed herein. The final plan submission shall include:
- [1] Narrative description of proposed project including:
 - [a] Address of site (street and number)
 - [b] Name of applicant
 - [c] Site zoning
 - [d] Project acreage
 - [e] Description of existing site and use
 - [f] Description of intended site development and use
 - [g] Proposed number of lots
 - [h] Impact on adjoining property, including noise, visual, drainage.
 - [i] Anticipated impact on services: quantify and discuss impacts on traffic, sewer, water, solid waste, schools, and recreation
 - [2] Final subdivision plan showing:
 - [a] Title block with names of project, applicant, and map preparer; address of site; date of map; and work record with revision dates
 - [b] 3" x 3" block for PEDD approval stamp (at lower right side of plan)
 - [c] Location and zoning plan at scale of 1" = 2000', oriented same as site plan
 - [d] North arrow
 - [e] Existing topography at contour intervals of 2' or less, extending 100' from the site, and based on a NGVD 1929 benchmark. (show benchmark on plan)
 - [f] Existing utilities (location and size)
 - [g] Owners and use of adjacent land
 - [h] Existing zoning, with location of any district boundaries within 100' of property to be developed
 - [i] Existing limits of the Latham Water District
 - [j] Fire and school district boundaries within the site
 - [k] Typical lot layout plan
 - [l] Exact boundary and lot lines, including bearings and distances
 - [m] Lot areas in square feet
 - [n] Lot numbers, as approved by the Town Assessor
 - [o] Front building setback line, with setback dimension
 - [p] Location of all easements, with boundary data for proposed easements. Easements must be numbered for identification.

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- [q] Notes per Town standard final plans
- [r] The following additional standard notes:
 - {1} The Applicant shall comply with all applicable federal, state, and local laws, rules and regulations, including but not limited to the State Environmental Quality Review Act (SEQR), Freshwater Wetlands Permit Regulations, the Town Grading Law, the Town Watercourse Area Management Law, and the Town Flood Plains Management Law.
 - {2} Contours shown on this plan represent existing topographic conditions. For proposed grades, refer to grading plan (sheet ___ of ___).
 - {3} The Applicant shall be responsible for keeping existing public highways and adjacent lands free of debris, soil, and other matter which may accumulate due to construction related to the site.
 - {4} All plant materials installed pursuant to this subdivision plan shall conform to the American Standard Nursery Stock (ANSI Z60.1-1986) of the American Association of Nurserymen or equivalent recognized standard, and shall be installed and maintained in accordance with accepted industry practice.
 - {5} All required erosion control measures shall be installed and the Planning and Economic Development Department shall be notified prior to issuance of any grading permit or any soil disturbance.
- [s] Landscaping
 - {1} Existing to be preserved
 - {2} Proposed species, size, location
 - {3} Deciduous trees 2-2 1/2" cal. min.
 - {4} Evergreen trees 5' ht. min.
- [t] Grading plan (on separate sheet), which shall show:
 - {1} Existing and proposed contours at 2' intervals
 - {2} Schematic locations of proposed structures on each lot
 - {3} Lot layout
 - {4} Rim elevations for storm structures
 - {5} Invert elevations for end sections
 - {6} Clearing and grading limit lines
 - {7} Standard note regarding minimum garage floor elevations from standard subdivision grading plan

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- {8} Note stating that driveway grades will not exceed 10%
- {9} Minimum garage floor elevations for each lot
- {10} Proposed erosion control measures
- [u] Stamp and signature of a New York State licensed professional - plans shall be prepared by an engineer, surveyor, architect or landscape architect licensed by the State of New York and authorized under their New York license to execute the plans and contents thereof
- [3] Storm Water Pollution Prevention Plan, including Storm Water Management Report in accordance with the Town's standard format
- [4] Any additional engineering reports, supporting documentation, or other information as may be required by the PEDD to complete its review.
- [5] Affidavit by applicant stating that he or she has searched or caused to be searched all available public records and the names of property owners shown on the map are correct as of the date of the map.
- [6] Affidavit by surveyor stating that he or she has searched all available public records and the limits and owners of all properties shown on the map are correct as of the date of the map.
- [7] A copy of any restrictive covenants proposed by the applicant, or a letter from the applicant stating that no such restrictions will be applied.
- [8] County Public Works Department or New York State Department of Transportation approval, if applicable.
- [9] New York State Department of Environmental Conservation approval, if applicable.
- [10] Metes and bounds description and 8 1/2 " x 11" map, prepared and signed by a licensed surveyor, of any area of the subdivision outside the limits of the Latham Water District.
- [11] Review fee in accordance with fee schedule established by the Town Board
- [12] Approved Building Department Zoning Verification
- [13] Completed application form
- [14] Environmental Assessment Form
- [15] Photographs of site
- [16] Digital image file of final subdivision plan in format acceptable to the PEDD

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- (c) Review Submittal for Completeness. The PEDD shall review the submittal for completeness and shall notify the applicant as to its determination. If the submittal is complete, the PEDD shall refer the proposal to such other agencies as it deems appropriate. The applicant may review the proposal with the staff of the PEDD prior to submitting a formal application.
- (d) Referral to Albany County Planning Board. The PEDD shall, when applicable, refer the subdivision application to the Albany County Planning board for review, in accordance with Section 239n of the General Municipal Law.
- (e) PEDD Review. The PEDD shall review the submission and accept, accept with modifications, or reject the proposal within 45 days of the date of receipt of the complete application. However, no such decision shall be made until all requirements of SEQR have been met. This time may be extended by mutual written consent of the applicant and the PEDD. The PEDD shall notify the applicant in writing of its decision.
- (f) Appeal. In the event that the plan is rejected, the applicant may appeal the decision of the PEDD to the Planning Board.
- (g) Conditional Approval. If the subdivision is conditionally approved, the PEDD shall notify the applicant in writing of the conditions which must be fulfilled before final plans may be stamped. Where the approval of any County, State, or Federal agency is required for development of the subdivision, the applicant shall be required to obtain said approval as a condition of approval of the final submission, prior to submitting final plans for signature. Conditional approval of a subdivision shall expire one hundred eighty (180) days after the granting of said approval, unless the requirements have been completed within that time. The PEDD may, however, extend the time within which a conditionally approved subdivision may be submitted in final form, if in its opinion such an extension is warranted in the circumstances, for a time not to exceed two additional periods of ninety (90) days each.
- (h) Submission of the Subdivision in Final Form. Upon submission of the subdivision in final form, the PEDD shall affix its stamp of approval to the plans, and the plans shall be signed and dated. The applicant shall provide copies of the final plans in such amounts as shall be determined by the PEDD to be necessary for this purpose.
- (i) Submission to the Town Attorney. The PEDD shall submit necessary plans to the Town Attorney, and the Town Attorney shall file the approved subdivision plans in the office of the

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County Clerk of the County of Albany, and shall provide the PEDD with notice of such filing, with the date of filing and the drawer and map number under which the plan has been filed. If any subdivision plan is not so filed within 60 days of the date upon which the plan is signed by the PEDD, the approval of the subdivision shall become null and void.

- (j) Notice of Filing. Upon submission to the PEDD of notice of filing of the plan, and submission and approval of grading and landscaping plans for individual lots if required, the PEDD will advise the Building Department in writing that building permits may be issued for lots within the subdivision.
 - (k) Verification. Upon verification of completion of landscaping and grading requirements for individual lots in accordance with approved plans, the PEDD will advise the Building Department in writing that certificates of occupancy may be issued for lots within the subdivision.
 - (l) Amendments. The PEDD may, upon application by the owner of any parcel of land within an approved subdivision, amend any condition of the subdivision approval as it affects that parcel. The PEDD may require the written agreement of all owners of property adjoining the subject parcel or all owners of property within the subdivision before approving the amendment.
- (2) Major Subdivision Review Procedure.
- (a) Pre-Submission Conference. Major subdivision applications shall have a pre-submission conference with Development Coordination Committee (DCC).
 - [1] The purpose of such conference shall be to give both the town and the applicant an opportunity to gain a better perspective on the ramifications of the proposal. This conference does not constitute a formal submission of an application. The Applicant shall prepare a Sketch Plan and narrative description of the project and provide copies as requested by the PEDD prior to the Pre-submission conference.
 - [2] The DCC shall provide project direction and feedback on the Sketch Plan to the Applicant based on the professional expertise of the DCC, the Town's current planning documents and the design guidelines and other requirements of this chapter.
 - (b) Application for Zoning Verification. An application for Zoning Verification must be made to the Building Department as outlined in the Overview of Permits and Approvals Article of this Chapter. The Building Department will issue its verification to

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Planning and Economic Development Department (PEDD) and the applicant. The PEDD will notify the applicant of necessary documentation to accompany the application for subdivision review.

- (c) Concept Submission. Applications shall be submitted to the PEDD, who shall review the submittal for completeness. Once the PEDD has received a complete application the PEDD shall notify the applicant and refer the proposal to such other agencies as it deems appropriate and shall place the proposal on the Planning Board meeting agenda for presentation by the applicant to the Planning Board. Concept submission shall include:
- [1] A narrative description of the proposed project, describing its purpose, the proposed method of preservation and disposition of parks, recreation areas or open spaces, and its impact on the immediate area of influence and on the Town in general (school, traffic generation, population, utilities, aesthetics, and land use compatibility), and also including the following:
 - [a] Address of site (street and number).
 - [b] Name of applicant and name of person or entity responsible for compliance with all regulations.
 - [c] Site zoning.
 - [d] Project acreage.
 - [e] Description of existing site and use, including significant natural and scenic qualities of the site, environmentally unique or fragile areas, and historically significant structures or sites to be preserved. Describe prior uses of the site. All possible contaminants on the site shall be identified and reported.
 - [f] Description of intended site development and use.
 - [g] Proposed number of lots.
 - [h] Impacts on adjoining property, including noise, visual, and drainage.
 - [i] Anticipated impact on services: quantify and discuss impacts on traffic, sewer, water, solid waste, emergency services, schools and recreation.
 - [j] Description of proposed provisions for ownership and maintenance and use of common lands and facilities.
 - [k] Description of type of structures proposed.
 - [2] A site analysis diagram at a scale of 1" = 100' or larger (sheet size shall be 22"x34" or 30"x42", folded to 8½"x11"), including:

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- [a] Title block with names of project, applicant, and map preparer; address of site; date of map; and work record with revision dates.
 - [b] Location and zoning map at scale of 1" = 2000' as inset; map shall be oriented the same as the site analysis plan.
 - [c] North arrow.
 - [d] Boundary line of property to be subdivided.
 - [e] Existing topography, at contour intervals of 2' or less, based on a recent survey related to NGVD 1929, and extending 100' from the site.
 - [f] Existing streets, structures, utilities, site improvements, and other man-made features, on and within 100' of the property, with setback dimensions for structures.
 - [g] Boundary of both sides of any existing highway adjoining site, including paper streets, with R.O.W. width in feet.
 - [h] Existing easements.
 - [i] Existing zoning district, with district boundaries within 100' of the site.
 - [j] Existing limits of the Latham Water District on or adjacent to the site, and a note stating that the site is entirely inside, entirely outside, or partially within the district.
 - [k] Names of all adjoining property owners.
 - [l] Identification, by both verbal description and graphic depiction, of all adjacent land uses.
 - [m] Location and description of existing vegetation (species, size, and condition), watercourses, wetlands, flood plains, steep slopes, rock outcroppings, and other natural features, with applicable regulatory limits.
 - [n] Soil analysis describing soil types, surface and subsurface rock and ground water conditions.
 - [o] Historical and archeological sites.
 - [p] Identification of any areas of possible contamination.
 - [q] Identification of visual features such as smoke stacks, borrow pits, overhead utility lines, junkyards, refuse areas, and billboards (if none, so note).
 - [r] Identification of sources of smoke, noise, odors or other emissions (if none, so note).
- [3] Conceptual Plan (sheet size shall be 22" x 34" or 30" x 42", folded to 8½"x11"). All information to be shown on a single sheet. When plan consists of multiple sheets with match

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lines, a 1"=200' overall plan must also be submitted. Plans shall include all information shown on the site analysis plan, and the following additional information:

- [a] Proposed street and lot layout with approximate dimensions.
- [b] Sight distance dimensions at intersections with existing streets, and analysis of compliance with standards.
- [c] Proposed street names.
- [d] Proposed lot numbers.
- [e] Proposed utilities.
- [f] Proposed easements.
- [g] Proposed landscaping.
- [h] Proposed drainage concept.
- [i] Approximate limits of clearing and grading.
- [j] Signed and dated statement by applicant as follows:

I, _____, do hereby submit this concept subdivision plan for review by the Town of Colonie Planning Board. I understand that a concept development plan is intended to be a flexible design concept which may be readily changed as deemed necessary, prior to the work required for a detailed final subdivision plan. I understand any approval by the Town of Colonie Planning Board of this concept plan is expressly related to conditions as set forth on said plan, and the Town of Colonie Planning Board is not bound by said plan if field conditions are in fact different.

- [k] The following standard notes:
 - {1} Subdivision consists of _____ acres of land divided into _____ lots.
 - {2} Subdivision is located in _____ zoning district.
 - {3} Applicant's name is _____.

[l] Stamp and signature of licensed land surveyor, or separate survey plan bearing stamp and signature.

[4] Conceptual plans for conservation subdivision development shall also include:

- [a] General massing of proposed buildings, including the type of structures proposed, that is, attached or detached.
- [b] Proposed open space, parks, and recreational areas.
- [c] Parking and circulation routes.
- [d] Proposed landscaping concept.

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- [5] Approved Building Department zoning verification (for conventional subdivision concept only).
- [6] Photographs of the site including, but not limited to, a street view and any significant environmental features.
- [7] Such additional reports, maps or materials as the Planning Board may reasonably request and deem necessary to make the determinations required by the SEQRA and applicable provisions of this Chapter.
- [8] Planning Board application form.
- [9] Completed Environmental Assessment Form.
- [10] Review fee in accordance with fee schedule established by the Town Board.
- [11] Copy of deed conveying property to current owner and, if the applicant is not the owner, a copy of the purchase agreement.
- [12] Digital image files of full set of concept subdivision plans in format acceptable to the PEDD.
- [13] If the applicant desires a waiver of architectural review for a conservation subdivision, then a request for same must be included at this time.
- [14] Conceptual plans for conservation subdivision development shall also include:
 - [a] General massing of proposed buildings, including the type of structures proposed, that is, attached or detached.
 - [b] Proposed open space, parks, and recreational areas.
 - [c] Parking and circulation routes.
 - [d] Proposed landscaping concept.
- (d) Planning Board Meeting Agenda. Once the Planning and Economic Development Department has received a complete application the PEDD shall notify the applicant and refer the proposal to such other agencies as it deems appropriate and shall place the proposal on the Planning Board meeting agenda for presentation by the applicant to the Planning Board.
- (e) Referral to the Albany County Planning Board. The PEDD shall, when applicable, refer the subdivision application to the Albany County Planning Board for review, in accordance with 239n of the General Municipal Law.
- (f) Presentation to the Planning Board. The Applicant shall present the proposal to the Planning Board. No concept submission shall be considered complete until all requirements of the State Environmental Quality Review Act have been met. The environmental review shall be conducted concurrently with the

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Board's review of the concept submission. Based on its review and such recommendations as it may receive from PEDD and other agencies and departments, the Board shall act to accept, reject or request modification of the conceptual plan. Failure to act does not constitute approval.

- [1] In the event that the conceptual plan is rejected, the applicant may revise and resubmit the conceptual plan, withdraw the application or prepare a final submittal in accordance with the rejected conceptual plan and apply for final subdivision plan review and approval.
- [2] In the event that a modification is requested, the applicant shall re-submit the modified plan to PEDD for review as described above under the Initial Approval Process.
- (g) Expiration of Conceptual Plan Acceptance. Any Planning Board conceptual plan acceptance shall be valid for one year from the date of issuance. Conceptual acceptance may be extended for one additional year upon written request by the applicant and after due consideration by the Planning Board.
- (h) Division into Two or More Sections for Preparation of Final Submission. The Planning Board may permit the subdivision to be divided into two or more sections for preparation of final submission. In this case the first section must be submitted in final form within one year of the date of concept acceptance, and must contain at least 10% of the total number of lots within the subdivision. Acceptance of the concept submission shall become null and void with respect to any section not submitted in final form within three years of the date of said acceptance.
- (i) Final subdivision Plan Review and Approval. Upon acceptance of a conceptual plan by the Planning Board or in the event that an applicant wishes to proceed with a rejected conceptual plan, the applicant shall prepare and submit a final subdivision plan to the PEDD. Final submission shall include:
 - [1] Final subdivision plan at same scale as concept submission showing:
 - [a] Title block including name of project, name of applicant, name of map preparer, date of map, address of property, and record of revisions indicating date and purpose of each revision
 - [b] 3" x 3" block for Planning Board approval stamp (at lower right side of plan)
 - [c] 3" x 6" block for Albany County Health Dept. stamp (at lower right side of plan)

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- [d] Small scale location and zoning plan at scale of 1" = 2000', oriented same as site plan
- [e] North arrow
- [f] Existing topography at contour intervals of 2' or less, extending 100' from the site, and based on a NGVD 1929 benchmark. (show benchmark on plan)
- [g] Limits of regulated wetlands, floodplains, and protected watercourse areas. Wetlands to be removed and those to remain or be created must be clearly distinguished and labeled as such.
- [h] Owners and use of adjacent land
- [i] Existing zoning, with location of any district boundaries within 200' of property to be developed
- [j] Existing limits of the Latham Water District
- [k] Fire and school district boundaries within the site
- [l] Exact boundary and lot lines, including bearings and distances
- [m] Lot areas in square feet
- [n] Proposed lot numbers, as approved by the Town Assessor
- [o] Front building setback line, with setback dimension
- [p] Typical lot layout plan, showing schematic building location; minimum building setback dimensions for principal and accessory structures; and proposed utility services.
- [q] Existing utilities (location and size)
- [r] Proposed street names
- [s] Exact layout and dimensions of proposed streets
- [t] Location of existing and proposed highway boundary monuments
- [u] Plans for removal of existing temporary turnaround, where applicable
- [v] Proposed utilities (location, size, and connection to existing utilities)
- [w] Location of all easements, with boundary data for proposed easements. Easements must be numbered for identification.
- [x] Location of any proposed signage
- [y] The following standard notes:
 - {1} The subdivision is _____ acres in area.
 - {2} The subdivision lies within a _____ zoning district.
 - {3} The subdivision is divided into _____ lots.

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- {4} The average lot area is _____ square feet.
- {5} The subdivision lies within the _____ school district and the _____ fire district.
- {6} Building setback lines are shown on this plan for illustrative purposes, based on current Land Use Law requirements, and are not intended to represent conditions of approval of the subdivision.
- {7} The Applicant shall comply with all applicable federal, state, and local laws, rules and regulations, including but not limited to the State Environmental Quality Review Act (SEQR), Freshwater Wetlands Permit Regulations, the Town Grading Law, and the Town Flood Plains Management Law.
- {8} All elevations shown hereon are related to National Geodetic Vertical Datum (NGVD 1929).
- {9} Contours shown on this plan represent existing topographic conditions. For proposed grades, refer to grading plan (sheet ___ of ___).
- {10} No slope shall exceed 3 horizontal to 1 vertical unless otherwise shown on these plans.
- {11} The Applicant shall be responsible for keeping existing public highways and adjacent lands free of debris, soil, and other matter which may accumulate due to construction related to the site.
- {12} All required erosion control measures shall be installed and the Planning and Economic Development Department shall be notified prior to issuance of any grading permit or any soil disturbance.
- {13} Location of all existing utilities to be verified at time of construction.
- {14} Backfill used in trenches excavated in existing roadways shall be placed in maximum 6-inch lifts and compacted by means of a mechanical compactor between lifts.
- {15} Backfill material around proposed or existing structures shall be placed in maximum 6-inch lifts and compacted by means of a mechanical compactor between lifts.

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- {16} Streets and storm sewers shall conform to the "Town of Colonie Highway and Drainage Standards."
- {17} Buildings with basements or crawl spaces will be allowed only on lots with direct access to a storm sewer catch basin or junction box and shall have a plastic pipe with a check valve for a sump pump connection.
- {18} No sump pump, cellar or footing drain shall be connected to any sanitary sewer.
- {19} The subdivision lies inside/outside/partially within the Latham Water District.
- {20} Water mains and hydrants shall be installed, tested and accepted in accordance with "Latham Water District's Standard Specifications for Water Distribution System."
- {21} Hydrants at the end of dead end runs require restraint on the last three full length sections of water main.
- {22} Sanitary sewers shall be installed and accepted in accordance with the Town of Colonie Division of Pure Waters Rules and Regulations, and with sewer improvement area Number _____.
- {23} Where possible, sewer mains shall be laid at least 10 feet horizontally and 18 inches vertically from any existing or proposed water main. When vertical separation cannot be maintained, sewer mains shall be Ductile Iron Class 52 or PVC CL160, SDR26 pipe.
- {24} All plant materials installed pursuant to this subdivision plan shall conform to the American Standard Nursery Stock (ANSI Z60.1-1986) of the American Association of Nurserymen or equivalent recognized standard, and shall be installed and maintained in accordance with accepted industry practice.
- {25} A minimum of two trees of 2½" minimum caliper (deciduous trees) or 6' minimum height (evergreen trees) shall be preserved or planted in each front yard.
- {26} A minimum of three trees of 2½" minimum caliper (deciduous trees) or 6' minimum height (evergreen trees) shall be preserved or planted in

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each cul-de-sac island. Trees shall be shallow rooted and be located a minimum of five feet from any pipe line.

{27} These plans are approved for cluster subdivision development in accordance with section 278 of the New York State Town Law and the Town of Colonie's rules and regulations pursuant thereto. Open space areas designated on these plans are to remain undeveloped in consideration of modification of lot area requirements as provided in section 278 and the Town's rules and regulations. No alteration or use of said open space areas, unless expressly provided for on these plans, may be made without authorization from the Town of Colonie Town Board and approval by the Town of Colonie Planning Board. (for conservation subdivisions only)

{28} No fencing other than that shown on these plans shall be installed within this subdivision. (for conservation subdivisions only)

[z] Where applicable, the following notes shall be placed in bold type, separated from other notes so as to be readily visible, and must be included in contracts for sale and deeds for each lot:

{1} This subdivision lies within the Albany International Airport noise exposure area and may be subject to periodic noise due to airport traffic. A noise study describing this impact in detail is available in the offices of the Albany Airport Authority, the Albany County Economic Development, Conservation, and Planning Office, and the Town of Colonie Planning and Economic Development Department.

{2} The storm water management system for this subdivision includes storm water management basins that may contain periodic or persistent standing water.

{3} The protected watercourse area identified on these plans may not be disturbed without applicable approvals from the Town of Colonie. (This note should be referenced at the points on the plans where the watercourse area is labeled.)

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- {4} Wetlands identified on these plans may not be disturbed without applicable approvals from the U.S. Army Corps of Engineers and/or New York State Department of Environmental Conservation. These areas may be subject to periodic or persistent standing water conditions. (This note should be referenced at points on the plans where wetlands are labeled.)
 - {5} The flood plain area identified on these plans may not be disturbed without applicable approvals from the Town of Colonie. (This note should be referenced at the points where the flood plain is labeled.)
 - {6} _____ Street is intended to be extended in the future to provide access for development of adjacent lands. (Apply to any street terminating in a temporary turnaround.)
- [aa] Landscaping:
- {1} Existing to be preserved
 - {2} Proposed species, size, location
 - {3} Deciduous trees 2-2 1/2" cal. min.
 - {4} Evergreen trees 5' ht. min.
- [bb] Grading plan (on separate sheet), which shall show:
- {1} Existing and proposed contours at 2' intervals
 - {2} Schematic locations of proposed structures on each lot
 - {3} Street and lot layout
 - {4} Utility layout
 - {5} Rim elevations for storm structures
 - {6} Invert elevations for end sections
 - {7} Clearing and grading limit lines
 - {8} Standard note regarding minimum garage floor elevations from standard subdivision grading plan
 - {9} Note stating that driveway grades will not exceed 10%
 - {10} Minimum and maximum garage floor elevations for each lot
 - {11} Proposed erosion control measures
 - {12} Location of and data on soil tests, ground water elevation
- [cc] The proposed location, size, and design of all playgrounds, recreation areas, and lands reserved for open space.

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- [dd] All applicable requirements of Town Highway Law
 - [ee] Stamp and signature of a New York State licensed professional - plans shall be prepared by an engineer, surveyor, architect or landscape architect licensed by the State of New York and authorized under their New York license to execute the plans and contents thereof.
 - [ff] Any other features the Planning Board may request.
- [2] For conservation subdivisions only.
- [a] Approved Building Department zoning verification
 - [b] Architectural designs, prepared by a qualified licensed professional, depicting proposed buildings, which plans shall include:
 - {1} Building elevations from the front and rear and, where applicable, from the sides.
 - {2} Exterior finishes of the proposed buildings, including colors, materials, and decorative elements to be used in the project.
 - {3} Floor plans.
 - [b] A snow removal plan which includes areas reserved for the placement of snow removed from common parking areas and any cul-de-sac streets.
 - [c] A lighting plan which shall show all parking lot lighting, street lighting, walkway lighting, and decorative lighting proposed for the site.
 - [d] Any other features the Planning Board may request. The Planning Board may require changes in design elements that will make the project more harmonious with the natural environment of the site and more in keeping with the character of the neighborhood. If authorized by the Town Board, the Planning Board may waive the requirement for submittal and review of architectural designs if the applicant proposes to construct conventional, detached homes.
- [3] Storm Water Pollution Prevention Plan, including Storm Water Management Report in accordance with the Town's standard format and Highway and Drainage Standards
- [4] For projects involving public sewer, water, highway or drainage:
- [a] Required warranty deeds, real property transfer gains tax affidavits and 8 1/2" x 11" or 8½" x 14" boundary maps certified to Town and title company
 - [b] Construction time estimate sheet

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- [c] Inspection escrow and agreement, with insurance certificate
- [d] Plan/profile drawings in accordance with Town subdivision standard plans
- [e] Engineer's reports for sanitary sewer and water systems
- [f] All applicable requirements of the Town Highway Law.
- [g] Title insurance commitment for streets
- [5] Any additional engineering reports, supporting documentation, or other information as may be required by the Planning Board to complete its review.
- [6] Affidavit by applicant stating that he or she has searched or caused to be searched all available public records and the names of property owners shown on the map are correct as of the date of the map.
- [7] Affidavit by surveyor stating that he or she has searched all available public records and the limits and owners of all properties shown on the map are correct as of the date of the map.
- [8] A copy of any restrictive covenants proposed by the applicant, or a letter from the applicant stating that no such restrictions will be applied.
- [9] A copy of the proposed declaration of covenants and restrictions for any proposed homeowners' association.
- [10] County Public Works Department or New York State Department of Transportation approval, if applicable.
- [11] County Health Department approval, if applicable.
- [12] New York State Department of Environmental Conservation approval, if applicable.
- [13] Metes and bounds description and 8½"x11" map, prepared by a licensed surveyor, of any portion of site outside the Latham Water District.
- [14] Archeological assessment for sites shown on the State map of archeologically significant areas.
- [15] Digital image files of full set of final subdivision plans in format acceptable to the PEDD.
- (j) Review for Completeness. The PEDD shall review the final submission for completeness, conformance to technical requirements, and conformance to the Planning Board's acceptance of the concept submission. If the submission is incomplete or not in conformance, the PEDD shall notify the applicant in writing.
- (k) Completion of Required Technical Reviews. Upon satisfactory completion of required technical reviews, the PEDD shall notify

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the applicant and refer the submittal to the Planning Board for its action.

- (l) Public Hearing. Upon receipt of a complete final submission, the PEDD shall request that the Planning Board schedule a public hearing on the proposal. The hearing shall be advertised in the official newspaper of the Town of Colonie at least five days before the date of the hearing. The PEDD shall notify the applicant of the date, time, and place of the hearing.
- (m) Presentation to the Planning Board. The applicant or his or her representative shall present the final submission to the Planning Board at the public hearing.
- (n) Approval. The Planning Board shall, within 45 days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval. This time may be extended by mutual written consent of the applicant and the Planning Board. Failure to act does not constitute approval.
- (o) Approval with Modification. In the event that an approval with modification is made, the applicant shall submit the modified plan to the PEDD and, upon completion of such further technical review and consultation with the Planning Board as may be necessitated by the modification, the PEDD shall verify that the submittal is in accordance with the Board's decision.
- (p) Approval of any County, State, or Federal Agency. Where the approval of any County, State, or Federal agency is required for development of the subdivision, the applicant shall be required to obtain said approval as a condition of approval of the final submission, prior to submitting final plans for signature.
- (q) Expiration of Conditional Approval. Conditional approval of a subdivision shall expire one hundred eighty (180) days after the granting of said approval, unless the requirements have been completed within that time. The Planning Board may, however, extend the time within which a conditionally approved subdivision may be submitted in final form, if in its opinion such an extension is warranted in the circumstances, for a time not to exceed two additional periods of ninety (90) days each.
- (r) Division into Two or More Sections for Preparation of Final Approval. Prior to granting conditional or final approval, the Planning Board may permit or require the subdivision to be divided into two or more sections. Conditional or final approval of the sections shall be granted concurrently with conditional or final approval of the subdivision.
- (s) Submission to the Albany County Department of Health. The

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PEDD shall submit the final plans to the Albany County Department of Health for its review and approval. Upon approval, the applicant shall provide to the Department of Health copies of the final plans in such amounts as shall be determined by the PEDD to be necessary for distribution, and shall return the plans to the PEDD with the Department of Health's stamp of approval.

- (t) Affix the Stamp of the Planning Board. The PEDD shall affix the stamp of the Planning Board's approval to the plans.
- (u) Signed by the Planning Board. The plans shall be signed by the Planning Board's designated agent and the Town Superintendent of Highways, and the dates of signing noted.
- (v) Submission to the Town Attorney. The PEDD shall submit necessary plans to the Town Attorney and the Town Attorney shall file the approved subdivision plans in the office of the County Clerk of the County of Albany, and shall provide the PEDD with notice of such filing, with the date of filing and the drawer and map number under which the plan has been filed. If any subdivision plan is not so filed within 60 days of the date upon which the plan is signed by the Planning Board's designated agent, the approval of the subdivision shall become null and void.
- (w) Filing of Section of Approved Subdivision. In the event the applicant shall file only a section of the approved subdivision in the office of the County Clerk, the entire approved subdivision shall be filed within thirty days of the filing of such section with the Town Clerk of the Town of Colonie together with proof of filing of the first section. Such section shall encompass at least ten percent of the total number of lots contained in the approved subdivision. Approval of the remaining sections shall expire unless said sections are filed with three years of the date of the Planning Board's action granting final approval.
- (x) Construction Inspection. Upon filing of the final subdivision approval and such other permits and approvals as may be necessary; the applicant shall develop the site in strict compliance with the approved plans and in conformance with such additional conditions as may have been imposed by the Planning Board in granting conceptual or final subdivision approval. The Planning Board may request that the Town's construction inspector act as its agent for the purpose of assuring satisfactory completion of required improvements in addition to those included in the inspector's responsibilities pursuant to the Town Highway Law. The costs of required

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inspections shall be borne by the applicant and shall be paid as prescribed in the Town of Colonie Highway Law.

- (y) Notice of Filing. Upon completion of required subdivision improvements or posting of escrow as provided in the Town of Colonie Highway Law, and submission and approval of required grading and landscaping plans for individual lots if required, the PEDD will advise the Building Department that Building Permits may be issued for lots within the subdivision. The applicant shall develop the individual lots in conformance with the approved subdivision plans. Unless a site-specific grading plan has been required for an individual lot, the subdivision grading plan shall be followed as a guideline to ensure proper grading and drainage, consistent with the general requirements of this Article.
- (z) Verification of Landscaping and Grading. Upon acceptance by the Town of all required subdivision improvements and dedication by the Town Board of any new streets, and verification of completion of landscaping and grading requirements for individual lots in accordance with approved plans, the PEDD will advise the Building Department that certificates of occupancy may be issued for lots within the subdivision.
- (aa) Issuance of Certificate of Occupancy. Upon issuance of a certificate of occupancy for an individual lot, the lot owner shall be responsible for continued compliance with any conditions of the subdivision approval with respect to that lot. If the Planning Board or PEDD finds that any of the conditions of an approved plan have not continued to be met, the PEDD shall order the owner and tenants to make such corrections as it deems necessary to bring the lot into compliance with the provisions of such plan. In the event that the owner and tenants have failed to comply or maintain compliance with the final subdivision plan after being ordered by the PEDD to make such corrections, the "Penalties for offenses" provisions of this Chapter shall become applicable. Unless specific restrictions are included in the approved plan, clearing and grading by an individual lot owner shall not be regulated under this Article, and the Town shall assume no responsibility for any such action undertaken by such lot owner.
- (bb) Amendments. The Planning Board may, upon application by the owner of any parcel of land within an approved subdivision, amend any condition of the subdivision approval as it affects that parcel. The Planning Board may require the written agreement

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of all owners of property adjoining the subject parcel or all owners of property within the subdivision before approving the amendment. If, in the judgment of the Planning Board, the proposed amendment represents a significant change to the approved subdivision, the Board shall conduct a public hearing on the amendment as provided in this Article.

(3) Subdivision Amendments.

An application for Zoning Verification must be made to the Building Department as outlined in the Overview of Permits and Approvals Article of this Chapter. The Building Department will issue its verification to Planning and Economic Development Department (PEDD) and the applicant. The PEDD will notify the applicant of necessary documentation to accompany the application for subdivision review. The applicant shall present a submission to the PEDD, including the following:

- (a) Narrative description of proposed project including:
 - [1] Address of site (street and number)
 - [2] Name of applicant
 - [3] Site zoning
 - [4] Project acreage
 - [5] Description of existing site and use
 - [6] Description of intended site development and use, and purpose of amendment
 - [7] Proposed number of lots
- (b) Final subdivision plan at scale of 1"=50' or less (sheet size 22" x 34") showing:
 - [1] Title block including name of project, name of applicant, name of map preparer, date of map, and address of property; title block must state that proposal is a subdivision amendment, with the original subdivision title, filing date, and map and drawer number noted
 - [2] 3" x 3" block for PEDD approval stamp (at lower right side of plan)
 - [3] Small scale location and zoning plan at scale of 1" = 2000', oriented same as site plan
 - [4] North arrow
 - [5] Owners and use of adjacent land
 - [6] Both edges of pavement and the boundary of both sides of existing streets adjoining the subdivision
 - [7] Existing zoning, with location of any district boundaries within 100' of property to be developed
 - [8] Subdivision acreage and number of lots

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- [9] Exact boundary and lot lines, including bearings and distances. Existing and proposed lot lines must be clearly labeled
 - [10] Lot areas in square feet
 - [11] Existing and proposed utilities (location and size)
 - [12] Proposed lot numbers, as approved by the Town Assessor
 - [13] Front building setback line, with setback dimension
 - [14] Note stating the purpose of the proposed amendment.
 - [15] Stamp and signature of a New York State licensed professional - plans shall be prepared by an engineer, surveyor, architect or landscape architect licensed by the State of New York and authorized under their New York license to execute the plans and contents thereof
- (c) Review fee in accordance with fee schedule established by the Town Board
 - (d) Approved Building Department Zoning Verification
 - (e) Completed application form
 - (f) Environmental Assessment Form

The PEDD shall review the submittal for completeness and shall notify the applicant as to its determination. If the submittal is complete, the PEDD shall refer the proposal to such other agencies as it deems appropriate.

The PEDD shall, when applicable, refer the subdivision application to the Albany County Planning board for review, in accordance with Section 239n of the General Municipal Law.

The PEDD shall review the submission for consistency with the terms and conditions of the previously filed subdivision or subdivisions, and shall consider the comments of other reviewing agencies, if applicable, and shall approve, approve with modifications, or disapprove the proposal within 45 days of the date of the initial presentation. However, no such decision shall be made until all requirements of SEQR have been met. The PEDD shall notify the applicant in writing of its decision.

Within ninety (90) days of the date of approval of the submission, the applicant shall prepare a final submission as detailed herein, incorporating such modifications as were required by the PEDD in its approval of the plan, and shall submit it to the PEDD.

Upon submission of the subdivision plan in final form, the PEDD shall affix its stamp of approval to the plans, and the plans shall be signed and dated. The applicant shall provide copies of the final plans in such amounts as shall be determined by the PEDD to be necessary for this purpose.

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The PEDD shall submit necessary plans to the Town Attorney and the Town Attorney shall file the approved subdivision plans in the office of the County Clerk of the County of Albany, and shall provide the PEDD with notice of such filing, with the date of filing and the drawer and map number under which the plan has been filed. If any subdivision plan is not so filed within 60 days of the date upon which the plan is signed by the Planning Board's designated agent, the approval of the subdivision shall become null and void.

D. Duration of approval.

Any Planning Board conceptual plan acceptance shall be valid for one year from the date of issuance. Any Planning Board final subdivision plan approval shall be valid for three years from the date of issuance. For purposes of this section, the date of issuance shall be the date that notice of a Planning Board decision granting such acceptance or approval is filed in the office of the Town Clerk.

E. Extension of approval.

If there is no substantial change in the condition of the site or its environs or in the applicable law:

- (1) Conceptual acceptance may be extended for one additional year upon written request by the applicant and after due consideration by the Planning Board.
- (2) Final subdivision plan approval may be extended annually for an additional one-year period, when the following conditions are met: the applicant submits a written request for such extension and submits such other application materials as may be deemed necessary by the PEDD; any fee required pursuant to the fee schedule adopted by the Town Board has been paid; the plans have been reviewed by the PEDD and such other agencies as it deems appropriate; and due consideration of the application has been made by the Planning Board. Application materials shall be for the purpose of determining whether any change in the condition of the site or its environs has occurred or whether the applicable law has been changed. Application materials must include an updated, approved zoning verification, a current subdivision development plan application, copies of the plans and reports previously approved with the initial subdivision application and any subsequent applications for an extension and any other materials which the PEDD or the Planning Board deems necessary.

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F. Administration and Enforcement.

The provisions of this article shall be administered and enforced primarily by the PEDD, which shall have the power to make necessary inspections.