

CITY OF KINGSTON, NEW YORK

SUBDIVISION REGULATIONS

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ARTICLE I

Declaration of Policy

By the authority of the ordinance of the Common Council of the City of Kingston adopted on November 22, 1949, pursuant to the provisions of Article 3 of the General City Law of the State of New York; constituting Chapter 21 of the Consolidated Laws, the Planning Board of the City of Kingston was authorized and empowered to approve plats for subdivisions within the City of Kingston.

It is declared to be the policy of the Kingston Planning Board to consider land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the City. 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 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, and shall be properly related to the proposals shown on such portions of the Master Plan as may be in existence at any time, and shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that, proper provision shall be made for open spaces for parks and playgrounds.

In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as the “City of Kingston Land Subdivision Regulations” are hereby adopted.

ARTICLE II

Definitions

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

- “Collector Street” means a street which serves, or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.
- “Dead End Street” means a street or a portion of a street with only one vehicular traffic outlet.

“Board of Public Works”	means the Board of Public Works of the City of Kingston, unless otherwise stated.
“Easement”	means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
“City Engineer”	means the duly designated engineer of the City of Kingston.
“Engineer or licensed Professional Engineer”	means a person licensed as a professional engineer by the State of New York
Lot Line Deletion	the removal of a property line.
Lot Line Revision	the alteration/relocation of a property line where the number of properties is not changed.
“Minor Street”	means a street intended to serve primarily as an access to abutting properties.
“Official Map”	means the map established by the Common Council of the City of Kingston pursuant to Section 26 of the General City Law, showing the streets, highways, and parks and drainage systems theretofore laid out adopted and established by Law, and any amendments thereto adopted by the Common Council of the City of Kingston, or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.
“Preliminary Layout”	means preliminary drawing or drawings indicating the proposed manner of layout of the subdivision to be submitted to the Planning Board for its consideration.
“Planning Board” or “Board”	means the City Planning Board of the City of Kingston, New York
“Sketch Layout”	A rough sketch of the preliminary layout to enable the subdivider to save time and expense in reaching general agreement with the Board as to the form of the preliminary layout and objectives of these regulations.
“Street”	means and includes streets, roads, avenues, lanes, or other ways, between right-of-way lines.

“Street Pavement”	means the wearing or exposed surface of the roadway used by vehicular traffic.
“Street Width”	means the distance between property lines, measured at right angle to the center line of the street.
“Subdivider”	means any person, firm, corporation, partnership or association, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.
“Subdivision”	means the division of any parcel of land into two or more lots, plots, blocks or sites, with or without streets or highways, and shall include resubdivision, lot lines revisions and lot line deletion.
“Subdivision Plat”	means the final map or drawing on which the subdivider’s plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be submitted to the County Clerk for recording.
“Surveyor”	means a person licensed as a land surveyor by the State of New York.
“Master Plan”	means a comprehensive plan for development of the City, prepared by the Planning Board pursuant to Section 28-a of the General City Law, which indicated the general location recommended for various public works, places and structures, and for the general physical development of the City of Kingston, and includes any part of such plan separately adopted, and any amendment to such plan or parts thereof.

ARTICLE III

Procedure in Filing Subdivision Applications

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell 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 for a approval of such proposed subdivision in accordance with the following procedure. This procedure includes three steps:

1. Informal discussion of sketch layout
2. Conditional Approval of Preliminary Layout
3. Approval of Subdivision Plat

Section 1. Sketch Layout

A. Discussion of Sketch Plan

The subdivider shall make an appointment to meet with the Board to discuss his sketch plan, which shall comply with the requirements of Article V, Section 1.

B. Discussion of Requirements

At the same meeting the subdivider should also discuss with the Planning Board, the requirements for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services.

C. Study of Sketch Plan

The Board shall study the sketch plan as to whether it meets the objectives of these regulations, and to the extent it does not, the Board will make specific suggestions as to changes to be incorporated in the preliminary layout.

Section 2. Preliminary Layout

A. Application and Fee

Prior to the filing of an application for the approval of a Subdivision Plat, the subdivider shall file an application, using the approved application form available from the secretary of the Planning Board for the consideration of a Preliminary Layout of the proposed subdivision, in the form described in Article V, Section 2 hereof. The Preliminary Layout shall, in all respects, comply with the requirements set forth in said Article V hereof, and with the provisions of Sections 32 and 33 of the General City Law, except where a variance may be specifically authorized by the Planning Board, as provided in Article VI hereof. The application shall be accompanied by a minimum fee of _____ for each acre or part thereof in the proposed subdivision. If the subdivider subsequently elects not to file an application for approval of a Subdivision Plat, one-half of the fee shall be returned.

B. Number of Copies

Three copies of the Preliminary Layout shall be presented to the Secretary of the Planning Board at least one week prior to a scheduled Board meeting.

C. Subdivider to Attend Planning Board Meeting

It is recommended that the subdivider, or his duly authorized representative, attend the meeting of the Planning Board to discuss the Preliminary Layout.

D. Study of Layout – Informal Public Hearing

The Planning Board will carefully study the practicability of the Preliminary Layout, taking into consideration the requirements of the community and the best

use of the land being subdivided. Particular attention will be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Master Plan and the Official Map as such may exist from time to time. If, in the opinion of the Board, the character of the subdivision (by reason of size, design effect on neighboring properties or other factors) so warrants, it may hold an informal public hearing on the Preliminary Layout.

E. Proposed Roads to be Staked

To permit the Board to study the proposed layout in the field, the Board may require that certain roads shall be staked along their center lines every 50 feet. Each stake shall be marked so that it can be located on the Preliminary Layout and shall show approximate height or proposed cut or fill at that point.

F. Conditional Approval of the Preliminary Layout

Following review of the Preliminary Layout, the Board shall, within forty-five (45) days, act thereon, as submitted, or modified, and if approved, the Board shall express its approval as Conditional Approval and state the conditions of such approval, if any; or, if disapproved, shall express its disapproval and its reasons therefor.

The action of the Board shall be noted on two copies of the Preliminary Layout, referenced and attached to any conditions determined. One copy shall be returned to the Subdivider and the other retained by the Board.

Conditional Approval of a Preliminary Layout shall not constitute approval of the Plat. Rather it shall be deemed an expression of approval of the design submitted on the Preliminary Layout as a guide to the preparation of the Plat which will be submitted for approval of the Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any. Prior to approval of the plat, the Board may require additional changes as a result of further study of the subdivision in final form.

Section 3. Subdivision Plat

A. Application for Approval

The subdivider shall, within six months after the Conditional Approval of the Preliminary Layout, file with the Planning Board an Application for Approval of a Subdivision Plat consisting of all or part of the proposed subdivision, using the approved application blank available from the Secretary of the Planning Board. (In other words, the subdivider may develop the subdivision in progressive stages instead of its entirety. But no subdivision or portion thereof shall be considered unless it abuts at least one street on the Official Map which street shall be improved to the satisfaction of the Planning Board, or an approved street for which a cash bond has been filed under Paragraph A of Section 4 below). Failure

to submit a section of the Plat within 6 months shall automatically cancel the Conditional Approval unless extended by the Planning Board. Such extension shall be granted only if the proposed subdivision fully conforms to the zoning regulations, any, in effect at the time such extension is applied for, or any zoning amendments pending at the time. Where Plat Approval is requested in sections, those sections subsequent to the first section, shall be individually submitted for approval within a period of two (2) years following the Conditional Approval of the Preliminary Layout. In the event that any section of the Plat, other than the first one, has not been submitted for approval within the two year period, then the Conditional Approval of the Preliminary Layout as it pertains to such remaining section shall be automatically cancelled, unless extended by the Board.

B. Number of Copies

A subdivider intending to submit a proposed Subdivision Plat for the approval for the Planning Board shall provide the Secretary of the Board with a copy of the application and on cloth original and five duplicate tracings of the Plat, original and one copy of all deeds, covenants and agreements, and two prints of all construction drawings, at least two weeks in advance of the meeting at which it is to be submitted.

C. When Officially Submitted

The Subdivision Plat shall be considered officially submitted only when all the surveys, plans, and data required in Article V hereof, are submitted complete and in good form, together with the application, at a regular meeting of the Planning Board.

D. Endorsement of State Department of Health

Proposed sewer extensions in the Subdivision Plat shall be properly endorsed and approved by the New York State Department of Health. Applications for approval of plans for sewer extensions will be filed by the Board of Public Works through the Ulster County Department of Health. Endorsement and approval by the State Department of Health shall be secured before any public hearing is scheduled or the Plat considered officially submitted.

E. Public Hearing

Before the Planning Board will act on any Subdivision Plat, it shall hold a public hearing thereon in accordance with Section 32 of the General City Law.

F. Action on Proposed Subdivision Plat

After careful study, the Planning Board will then, within 45 days from official submission date of the Subdivision Plat, approve, approve with modifications, or disapprove the Subdivision Plat. Such approval, however, shall not be deemed final, and the Subdivision Plat shall not be signed by the authorized officers of the Board for recording until the subdivider has complied with the provisions of Section 4 of this Article.

G. Officers Authorized to Sign Plat

The authorized officers of the Board, for the purpose of signing the approved Subdivision Plats, shall be the Chairman or the Vice Chairman of the Board.

Section 4. Required Improvements

A. Improvements and Performance Bond

Following approval of the Subdivision Plat by the Planning Board, the Subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

- (1) The Subdivider shall file with the City Clerk a cash performance bond to cover the full cost of the required improvements in an amount set by the Planning Board. Such cash bond shall be satisfactory to the Corporation Counsel as to form, sufficiency, and manner of execution. A period of one year, or such other period as the Planning Board may determine appropriate, not exceed three years, within which required improvements must be completed, shall be set forth in the bond. An amount of such cash bond determined by the Planning Board to be adequate, shall be retained for a period of one year from the date of completion of the required improvements. If such cash bond is not filed within forty-five (45) days of the approval granted in Section 3 (F) above, the Plat shall be deemed disapproved. All required improvements shall be completed to the satisfaction of the City Engineer within four (4) months after the date of initial title transfer with respect to any dwelling fronting on a new street shown on the Subdivision Plat failing which the Common Council may order such improvements to be installed and charge the expense thereof to the subdivider. In the case of exceptionally large subdivisions the Board may grant a reasonable extension of time beyond the said four months period, or, alternately, may approve the completion of only a portion of the required improvements within the period specified. The cash bond shall be released only upon certification by the Common Council that all required improvements may have been completed to their satisfaction.
- (2) The Subdivider shall complete all required improvements to the satisfaction of the City Engineer before any building permits will be issued. If such improvements are not completed within one year of the approval granted in Section 3(F) above, the Plat shall be deemed disapproved. The Subdivider shall file with the City Clerk a cash bond in an amount determined by the Planning Board to be adequate to assure the satisfactory condition of the initial improvements for a period of one year following their completion. Such cash bond shall be satisfactory to the Corporation Counsel as to form, sufficiency, and manner of execution.

B. Waiver of Required Improvements

The Planning Board may waive, for such period as it may determine, the provision of any or all such improvements as, in its judgment, are not necessary in the interests of the public health, safety and general welfare. In the case of each waiver granted, the Planning Board shall enter upon its records the reason or reasons why the particular improvement is not necessary, and it shall attach appropriate conditions, or require such guarantees as may be necessary to protect the public interest.

C. Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the City Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the City Engineer may authorize such modifications upon written request of the subdivider, provided such 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 improvement required by the Board. The City Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

D. Inspection of Improvements

- (1) Prior to the start of construction of any required improvements, the subdivider shall furnish to the City Engineer a copy of the specifications included in any contract entered into by the subdivider for such construction.
- (2) The construction of all required improvements shall be supervised by a registered professional engineer employed by the subdivider, who, after completion of construction, shall certify to the Board that all required improvements have been constructed as required and approved by the Board or as such requirements have been modified by the City Engineer under Section 4 (C) and shall furnish to the City Engineer a certified set of Record Drawings showing all improvements as constructed, in the same detail as required for the approved Construction Plan by Article V(C).
- (3) The City Engineer, or other duly designated official, shall inspect required improvements during construction, to assure their satisfactory completion, and the Planning Board shall require a certificate from such official stating that all required improvements have been satisfactorily completed. The subdivider shall pay to the City an inspection fee of 1.5 percent of the amount of the cash performance bond or estimated cost of improvements, and the Subdivision Plat shall not be signed by the Chairman of the Planning Board or Vice Chairman until such fee has been paid. In order to facilitate inspection the subdivider's engineer may be required to set stakes no more than 50' apart outside the area to be disturbed by construction along all streets, utility and drainage lines to be built, marked with proper

center line station, offset from center line and cut or fill at center line. Where several lines run parallel to each other, only one set of stakes shall be required.

If the City of Engineer or other duly designated official does not carry out inspection of required improvements during construction, the subdivider shall not in any way be relieved of his responsibilities.

E. Utilities

Where utilities required by the Planning Board are to be installed by a public utility company, the Planning Board in its discretion may accept assurance from the public utility company, in writing, that such installations will be furnished by the company within a specified period of time, and in accordance with the approved Construction Plans.

F. Proper Installation of Improvements

If the City Engineer, or other duly designated official, shall find, upon inspection, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the subdivider will be liable for the costs of completing said improvements according to specifications. Unless covered by a cash performance bond as specified in Section 4 A (1) hereof, no Plat which may be an extension of a previously recorded Plat, or no new Plat, regardless of location, shall be approved by the Board if the subdivider has not fully complied with the terms of construction of all of the required improvements in a previously recorded Plat submitted by him for approval.

As a condition for the approval of such Plat, the Board shall require that the conditions of the former agreement be met by the subdivider before the Board shall take action on the Plat.

Section 5. Filing of Approved Subdivision Plat

A. Approval and Filing

Upon completion of the above requirements and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval, shall be properly signed by the appropriate officers of the Planning Board and shall be filed by the applicant in the Office of the County Clerk. Any subdivision plat not so filed or recorded within ninety days of the date upon which such plat is approved or considered approved by reason of the failure of the Board to act, shall become null and void (Section 32 of the General City Law).

B. Plat Void if Revised After Approval

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Board and endorsed in writing, on the plat, unless the said plat is first resubmitted to the Board. 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 records of the County Clerk.

Section 6. Public Streets, Parks and Playground Areas

A. Public Acceptance of Streets

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the City of any street, park, playground, or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Park and Playground Area

When a park and/or playground area shall have been required on a Plat, the approval of said Plat shall not constitute an acceptance by the City of such area. The Planning Board may 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 Common Council covering future title, dedication, and provision for the cost of grading development, equipment, and maintenance of any park or playground area.

ARTICLE IV

General Requirements and Design Standards

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

Section 1. General

A. Character of Land

Land to be subdivided shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land subject to such hazards shall be set aside for such uses as shall not be endangered by periodic or occasional flooding or other peril, or shall not produce unsatisfactory living conditions.

B. Conformity to Official Map and Master Plan

Subdivisions shall conform to the Official Map of the City and shall be in harmony with such portions of the Master Plan as may be in existence from time to time.

C. Specifications for Required Improvements

All required improvements shall conform to the City Specifications, which may be obtained from the City Engineer.

Section 2. Street Layout

A. Width, Location and Construction

Street shall be of sufficient width, suitably located, and adequately constructed, to accommodate the prospective traffic, and to afford access for fire fighting, snow removal, and other road maintenance equipment, and shall be coordinated so as to compose a convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.

B. Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of principal streets on adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, 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.

C. Minor Streets

Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. Special Treatment Along Arterial Streets

Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear 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.

E. 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.

F. Dead End Streets and Superblocks

The creation of dead end or loop residential streets and superblocks will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area, provided interior parks are covered by appropriate covenants as to maintenance. In the case of dead end streets, where needed or desirable, the Board may require the reservation of a 20 foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at

least two (2) street connections with streets previously placed on the Official Map.

G. Block Size

Blocks shall not be excessively long. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-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 4-foot wide paved foot path be included. In general, no block shall be less than twice the normal lot depth in width, or more than 1, 200 feet in length.

H. Intersection with Major Roads

Minor or secondary street openings into a major road shall, in general, be at least 500 feet apart.

I. Street Jogs

Street jogs with center line offsets of less than one hundred and twenty-five (125) feet shall not be permitted except with the approval of the Board.

J. Four-cornered Intersections

Cross (four cornered) street intersections shall be avoided unless shown on the Official Map or Master Plan.

K. 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.

L. 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.

M. 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 and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

Section 3. Street Design

A. Widths of Right-of-Way

Streets shall have the following widths. (When not indicated on the Master Plan or Official Map, the classification of streets shall be determined by the Board):

Major streets	80 feet
Collector streets	60 feet
Minor streets	50 feet

B. Improvements

Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, drainage facilities, water mains, sewers, street lights and signs, street trees, fire alarm signal devices, 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 City Engineer. Such grading and improvements shall be approved as to design and specifications by the City Engineer.

C. Utilities in Streets

The Planning Board may 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 connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

D. Utility Easements

Where topography is such as to make impractical the inclusion of utilities within the street lines, perpetual unobstructed easements at least 20 feet in width shall be provided across property outside the street lines, and with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

E. Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2); nor more than 7 percent for major or collector streets, or 8 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection.

F. Changes in Grade

All changes in grade shall be connected by vertical curves of such length and design as meet with the approval of the City Engineer 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 25 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
Where dead end streets are designed to be so permanently, they should, in general, not exceed 600 feet in length, and shall terminate in a circular turnaround having a minimum right-of-way radius of 50 feet and pavement radius of 40 feet. At the end of temporary dead end streets a temporary turnaround with a pavement radius of 40 feet shall be provided, unless the Board approves an alternate arrangement.
- J. Watercourses
Where a water course 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 City Engineer.
- Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the City Engineer, and in no case less than 20 feet in width.
- K. Curve Radii
In general, street lines within a block, deflecting from each other at any one point by more than ten (10) degrees, shall be connected with a curve, the radius of which for the inner street lines shall not be less than 350 feet on major streets, 250 feet on collector streets and 100 feet on minor streets. The outer street line in each case shall be parallel to such inner street line.
- L. Service Street or Loading Space in Commercial Development
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 all lots designed for commercial use.
- M. 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 to permit such use, the street width shall be increased by such amount on each side as may be

deemed necessary by the 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.

Section 4. Street Names

- A. Type of Name
All streets shown on a Preliminary Layout or Subdivision Plat shall be named. Streets shall have names and not numbers or letters (such as 1st, First or A Street).
- B. Names to be Substantially Different
Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in the City of Kingston, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name.

Section 5. Lots

- A. Lots to be Buildable
The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other natural conditions, in complying with the Zoning Ordinance in order to build on each lot. Lots shall not be of unreasonable depth, encouraging the later creation of a second building lot at the rear, where there is no rear street.
- B. Side Lines
All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan, in the opinion of the Board.
- C. Corner Lots
Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each street.
- D. Driveway Access
Where practicable, lots shall be so laid out that the driveways have access to that one of the streets on which they abut which carries or is intended to carry the lesser amount of traffic. Driveway grades between the street and the setback line shall not exceed 10 percent.
- E. 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.
- F. Monuments and Lot Corner Markers

Permanent monuments meeting specifications approved by the City Engineers 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 City Engineer may require, and their location shall be shown on the Subdivision Plat.

Section 6. Drainage Improvements

A. Removal of Spring and Surface Water

The subdivider may be required by the Planning Board 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 run-off from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall approve the design and size of facility based on anticipated run-off from a ten year storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

C. Responsibility from Drainage Downstream

The subdivider's engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the City Engineer. Where it is anticipated that the additional run-off 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 Common Council 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.

Section 7. Parks, Open Spaces, School Sites and Natural Features

A. Parks and Playgrounds Shown on Master Plan

Where a proposed park, playground, school or other public use shown on the Master Plan is located in whole or in part in a subdivision the Board shall require the dedication or reservation of such area within the subdivision.

B. Parks and Playgrounds not Shown on Master Plan

Where deemed essential by the Board, and upon consideration of the particular type of development proposed in the subdivision (whether high, medium or low density residential) and especially in large-scale developments not anticipated in the Master Plan, the Board may require the dedication or reservation of sites of a character, extent and location suitable for the development of a park or parks for playground or other recreation purposes. The Board shall not require that more

than approximately 10 percent of the gross area of the subdivision be so dedicated or reserved.

The minimum area of contiguous open space acceptable in fulfillment of this requirement, shall be generally five (5) but in no case less than (3) acres. Open spaces with a lesser area may be approved by the Board whenever it deems that the difference between the area offered and five (5) acres may be made up in connection with the subdivision of adjacent land.

C. Waiver of Land Dedication for Parks and Playgrounds

In cases where, the Planning Board finds that due to the size, topography or location of the subdivision, or for other reasons, land for park or playground or other recreation purposes cannot be properly located therein, or it is not otherwise practical to require same as a condition of approval, the Board shall waive the requirement that such land be dedicated or reserved subject to the condition that a payment of \$_____ for each proposed dwelling unit be paid into a Special City Recreation Site Acquisition and Improvement Fund in lieu of such land dedication.

D. School Sites

The Board may also require a subdivider to set aside such area as it may deem to be required for a school. Upon the failure of the proper authorities to purchase such school site within eighteen months after the date of the approval of the Plat, the subdivider, upon application to the Board and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.

E. Reserve Strips Prohibited

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 prohibited.

F. Preservation of Natural Features

The Planning Board will, wherever possible, require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

Section 8. Policy for Realty Subdivisions in the Vicinity of Gas Transmission Pipelines

In order to promote the safety and security of the public and properly preserve the public health and protect those using gas in the City of Kingston, the following regulations are established in accordance with American Standard Association's Regulation (ASA B31.1.8.1955) and in accordance with the New York State Public Service Commission and the Ulster County Department of Health.

The following policies are promulgated, therefore, for the purpose of furnishing reasonable and practical safeguards for the health and life of the people of the City who

may erect or purchase homes in realty subdivisions where gas transmission pipeline * pass through or closely adjacent to the subdivision property.

Any parcel of property which is hereafter developed as a subdivision as defined by section 115 of the Public Health Law shall comply with the following regulations if a gas transmission pipe line passes through or adjacent to the property within the limits prescribed by said regulations.

1. Every effort shall be made by the developer to lay out the subdivision property so that streets and lot lines may fit in most satisfactorily with the location of the existing gas pipelines.
2. Prior to the submission of subdivision plans to the City Planning Board, the developer shall confer with a responsible official of the gas corporation owning the pipeline to acquaint him with the nature and extent of the proposed construction.
3. The developer shall furnish a statement from the gas corporation that the proposed construction is not in violation of the safety standards prescribed by the Public Service Commission.
4. The plans for the subdivision shall show the exact location of the gas pipeline and designate the boundaries of the easement therefor.
5. The plans shall indicate the minimum distance from the gas pipeline to any building intended for residential purposes as well as to the location of any private sewer or individual structure for sewage disposal or water supply.
6. The building to be used for residential purposes shall not be located within 100 feet of any gas pipeline which is or may be operated at a maximum pressure in excess of 250 pounds per square inch except with the approval of the Ulster County Department of Health.
7. Any part of a private sewage disposal tile field or cesspool or seepage pit or any other device for discharge of sewage into the ground for disposal by soil absorptive means shall not be located within 100 feet of any gas pipeline which is or may be operated at a maximum pressure of 250 psi.

*NOTE: According to the ASA code a "Pipeline or transmission line is a pipe installed for the purpose of transmitting gas from a source or sources of supply to one or more distribution centers or to one or more large volume customers or a pipe installed to interconnect sources of supply. In typical cases pipelines differ from gas mains in that they operate at higher pressures, they are longer, and the distance between connections is

greater”, and a “Gas main or distribution main is a pipe installed in a community to convey gas to individual services or other mains.”

8. Any private well used as a source of water shall not be located within 50 feet of a Gas pipeline which is or may be operated at a maximum pressure in excess of 250 psi.
9. A residence shall not be built within 300 feet of a gas pipeline unless said pipeline has been constructed in accordance with the ASA Code for pipelines within cities and villages.
10. Whenever a pipeline is or may be operated at pressure in excess of 500 psi a residence shall not be located within 500 feet thereof unless said pipeline has been constructed in accordance with the ASA Code for pipelines within cities and villages.
11. Where subsurface soil absorption sewage disposal systems are permitted within 200 feet of any gas pipeline, regardless of the pressure at which it is or may be operated, a vent shall be installed on the outlet side of the septic tank and the opening around the sewer through the cellar wall shall be tightly sealed.
12. A building for residential use shall not be located within 500 feet of a gas compressor station which operates or may be operated at pressures in excess of 250 psi if the installed capacity of the station is over 1,000 h.p. nor shall a residence be located within 250 feet of such a station if the installed capacity is less than 1000 h.p.
13. Wherever pipelines for gas transmission operation under pressures less than 250 psi pass through a proposed subdivision or whenever a regulator station is located in or near such a subdivision, any restrictions as to the location of buildings for residential use and of subsurface facilities for sewage disposal shall be determined by the County Health Department after consultation with the developer and the proper local officials of the gas corporation.

ARTICLE V Documents to be Submitted

Section 1. Sketch Layout

The sketch layout shall show the proposed layout of streets, lots, easements and other features sketched roughly on a print of a survey of the property with contour lines at intervals of no more than 10 feet (may be obtained from field survey, U.S.G.S. map or similar source).

Section 2. Preliminary Layout and Accompanying Data

The following documents shall be submitted for Conditional Approval:

- A. Three copies of the preliminary layout, one on cloth, prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:
- (1) Proposed subdivision name, city and county in which it is located, date, north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
 - (2) The names of all subdivisions immediately adjacent and the names of owners of record of all adjacent property.
 - (3) Zoning District, including exact boundary lines of districts, if more than one district and any proposed changes in the zoning district lines and/or the zoning ordinance 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, streets (including mapped streets not dedicated and improved streets not mapped within 200 feet of the subdivision), wooded areas, single trees with a diameter of 8" or more as measured 3 feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
 - (6) Location of existing sewers, water mains, culverts and drains, and hydrants the property with pipe sizes, grades and direction of flow.
 - (7) Contours with intervals of five (5) feet or less as required by the Board, referred to _____ Datum, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
 - (8) All proposed streets (including name, width, approximate grades, direction of run-off, rate of grade and center line profiles) showing approximate street grades and the existing elevations, lots, easements and public or community areas with approximate dimensions for each.
 - (9) The approximate location and size of all proposed: water lines, valves, hydrants, and sewer lines. 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. Connection to existing lines or alternate means of disposal.
 - (11) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, gutters, manholes, basins and underground conduits, the character width and depth of pavement and sub-base, and topographic conditions.
 - (12) Preliminary designs of any bridges or culverts which may be required.
 - (13) The proposed front building lines where the Board so requires.

- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public area as laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 10 feet in width and which shall provide satisfactory access to an existing public highway or other 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 engineer or land surveyor. The corners of the tract shall also be located on the ground and marked by substantial stone monuments of such size as approved by the City Engineer, and shall be referenced and shown on the plan.
- 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 four hundred (400) feet to the inch showing an outline of the platted area with its proposed streets and an 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 holding 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 any part of the tract.

Section 3. Plat and Accompanying Data

The following documents shall be submitted for Plat approval:

- A. The Plat shall be drawn in ink on tracing cloth. The size of the sheets shall be 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side of the 24 inch side, and a margin of one inch outside of the border along the remaining sides. The Plat shall be drawn at a scale of no more than 50 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 index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Plat shall show:

- (1) Subdivision name and the name of the city and county in which the subdivision is located, date, scale and north point.
- (2) Certification of title showing ownership.
- (3) Name and address of subdivider.

- (4) Name, license number and seal of the engineer or land surveyor.
- (5) Names of owners of adjacent land.
- (6) Certification by a licensed surveyor as to the accuracy of the survey an Plat.
- (7) Primary control points (wherever possible including monuments included in the state system of plane coordinates on reference points previously established by public authority) or descriptions and “ties” to such control points, to which all dimensions, angels, bearing and similar data on the Plat shall be referred and from which the location bearing and length of every street line, lot line and boundary line may be readily determined both on paper and on the ground. The control points selected and the ties thereto shall be subject to approval by the City Engineer.
- (8) Boundaries of the property; building or set-back lines if different from those required in the zoning ordinance and lines of streets, lots, reservations, easements and area to be dedicated to public use (large trees, grove and other natural features to be preserved).

Lengths and deflection angles of all straight lines; radii, lengths, central angles, chords, tangent distances and bearings, for all street curves, measured to and along the center lines of such streets. All lengths shall be in feet and decimals of a foot and all angles shall be given to the nearest ten (10) seconds or closer if deemed necessary by the City Engineer.

- (9) Area of all lots in square feet, and the dimensions and angles of all lot lines. In the case of lots fronting on curved streets, the central angle bounding the lot shall be shown.
 - (10) The location, of all permanent monuments.
 - (11) Proposed street names, block, lot and section numbers in sequence.
 - (12) Designation and purpose of all areas to be dedicated or reserved for public use and of any streets which are not to be dedicated.
 - (13) Location, width and purpose of all easements.
- B. Deeds of cession of streets, right-of-way, easements, and any sites for public use and copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained all certified as to their legal sufficiency by the Corporation Counsel.
- C. Construction plans shall show the following:

- (1) Typical cross-sections and profiles of all proposed streets showing existing and proposed grades as approved by the City Engineer. The cross-sections shall show pavements, and where required, gutters, curbs and sidewalks.
- (2) If street trees are to be planted by the subdivider, planting plans showing the types and spacing of trees.
- (3) Profiles along the center lines of streets showing existing and proposed elevations. Where a proposed new street intersects an existing street, the elevation of such existing street shall be shown for 100 feet from such intersection. All elevations must be referred to Ulster County datum.
- (4) Plans and profiles showing the exact location, size and invert elevations of existing and proposed water mains, sanitary sewers and storm water drains, sewage pumping stations; profiles of all utility lines at points of interference; and the location of fire hydrants and all gas or other underground utilities or structures.
- (5) Grading plan showing present and proposed contours at two (2) foot intervals, referred to the same datum as (3) above.
- (6) Detailed plans for bridges, culverts, or similar structures.
- (7) Locations of all proposed buildings, if required by the Board.
- (8) Construction plans may be either drawn in ink on linen or in pencil on good quality tracing paper. Designs for water lines, sewage pumping stations, streets, bridges and drainage structures shall be prepared by a licensed professional engineer.

Section 4. Record Drawings

Record drawings may consist of a set of construction drawings properly endorsed by the subdivider's engineer as required in Article III, Section 4D. Where the detailed design of improvements has been modified in accordance with Article III, Section 4C, such changes shall be incorporated in the Record Drawings.

ARTICLE VI

Variances and Waivers

Section 1.

Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Zoning Ordinance, the Master Plan or these regulations.

Section 2.

Where the 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 in the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

Section 3.

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

ARTICLE VII

Separability

Section 1.

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

SUBDIVISION MAP PROCEDURE

GENERAL TAXES (ie. County, Town, Highway) are collected from January 1st through September 1st for the current year only. After September 1st, taxes are payable at the Ulster County Treasurer's Office.

Kingston Consolidated Schools fiscal year runs from July 1st through June 30th. Taxes are payable to the school from October 15th to December 15th, then unpaid taxes are due to the Ulster County Treasurer's Office.

There are fourteen **OTHER SCHOOL DISTRICTS** in Ulster County, (fiscal year runs from July 1st through June 30th) each usually has taxes payable during September and October. These fourteen districts have no means of payment from October until January. On January 1st, it becomes a relieved school tax, which is collected as part of general taxes.

All delinquent taxes will be collected year round by the Treasure's Office with interest and penalties.

FILING REQUIREMENTS FOR SUBDIVISION MAPS

1. All certificates must certify that all taxes are paid.
2. Map must be printed on linen or mylar
3. Minimum size: 8 ½" x 11"
Maximum size: 34" x 44"
4. A paper copy must be submitted with original map for transmittal to Ulster County Real Property Tax Agency.
5. Surveyor's certificate showing date of completion of survey and making of the map, the name of the subdivision and the original signature of the surveyor must appear on the map.
6. Planning Board Approval must appear on map. Map must be filed within 60 days of the date of approval. All signatures must be original. No copies of signatures are acceptable.
7. Certificate of the County Treasurer or an Abstract and Title Company
And
Certificate of the tax collecting unit of any city, town, village and school district where the property is situated.
8. Certificate of County Director of Real Property Tax that fee authorized by Real Property Tax Law Section 503 subd. 7, if any have been paid.
9. Certificate from Real Property Tax Agency on Ulster County Street Name Approval.
10. Filing fee for map payable to the Ulster County Clerk - \$10.00.