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LOCAL LAW NO. 3 OF 2012

A LOCAL LAW TO AMEND SECTION 3.6 OF THE CITY CHARTER AND
TO AMEND CHAPTERS 8, 19, 34, 51, 117, 118, 136, 165, 200A, A246 and A247 OF
THE CODE OF THE CITY OF SARATOGA SPRINGS

BE IT ENACTED, by the City Council of the City of Saratoga Springs, NY, in consideration of changes in the organization and numbering of the City Zoning Ordinance, as follows:

SECTION 1. Section 3.6 of the Charter of the City of Saratoga Springs, entitled “Building Inspector” is amended to read (new material in brackets, old material lined through):

3.6. Building Inspector; [Zoning and Building Inspector]

The Building Inspector [and the Zoning and Building Inspector] shall be under the direction of the Mayor and shall have authority to administer and enforce those provisions of the City’s codes, rules and regulations [as] specified in ~~Chapter 117, Article I; Chapter 240, Article XIII~~ [Chapters 117, 118, 240 and 241] of the City Code, together with other authority conferred on him or her under the laws of the State of New York.

[The Mayor shall appoint Building Inspectors, Zoning and Building Inspectors, and Assistant Building Inspectors. The Mayor may appoint additional Building Inspectors, Zoning and Building Inspectors, and Assistant Building Inspectors on a temporary or permanent basis, and shall have authority to designate which of such additional inspectors shall act in the place of the Building Inspector or Zoning and Building Inspector when either is absent, unavailable, or such position(s) is/are vacant.]

SECTION 2. Section 8-3 (5) of Chapter 8 of the City Code, entitled “Code Administration” is amended to read (new material in brackets, old material lined through):

(5) The provisions of ~~Chapters 240 through 243 of the Code of the City of Saratoga Springs (Zoning)~~, [the City Zoning Ordinance], except that the Code Administrator shall have authority to administer and enforce the following provisions of ~~Chapter 240~~ [the Zoning Ordinance]:

- (a) ~~Article X (Signs) sections 240-10.1 through 240-10.5~~
- (b) ~~Article XII (Supplemental Regulations and Exceptions); 240-12.4 (Home Occupations); 240-12.5 (Junkyards); 240-12.7 (Walls and Fences — Obstruction of intersections); 240-12.8 (Swimming Pools); 240-12.9 (Garage Sales); and 240-12.17 (Unsafe Structures)~~ [Section 2.3C (Intersection Obstructions); Section on 6.1(Signs); (Section 6.4.3 (Home Occupations; Section 6.4.5 (Walls and Fences);and Section 6.4.6 (Swimming Pools).]

Section 8-3(6) of Chapter 8 of the City Code, entitled "Code Administration" is deleted in its entirety:

~~(6) The provisions of Chapter 117, Articles I and II, of the Code of the City of Saratoga Springs (Fire Prevention and Building Construction)~~

SECTION 3: Sections 19-4 (1), (2), and (3) of Chapter 19 of the City Code, entitled "Design Review Commission" are amended to read (new material in brackets, old material lined through):

~~§19-1 Appointment; vacancies; removal; terms~~ [Establishment]

~~A. There shall be a Design Review Commission [which shall have the powers and duties described in 240-7.4 and 240-7.5 of the Zoning Ordinance.], hereinafter call the "Commission," which shall consist of seven members, all of whom shall be residents of the City of Saratoga Springs and of which three members shall be property owners in an historic district. In addition, the Commission shall have two alternate members selected from the list of former Commission members. The members and alternate members of the Commission shall be appointed by the Mayor.~~

~~B. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.~~

~~C. Any member, or alternate member, may be removed by the Mayor for cause and after public hearing.~~

~~D. The term of office of each Commission member shall be three years except that the initial appointments of two members shall be for one year, of two members for two years and of three members for three years. Particular consideration shall be given to the appointment of persons specially qualified by reason of training or experience in architecture, art, art history, law, building construction, real estate, local history and the like. Alternate members shall be appointed to serve a one year term concurrent with the calendar year.~~

~~E. Alternate members shall serve in the place of a Commission member in the event a member is unavailable due to recusal or absence. The alternate member who shall serve first in any given calendar year shall be chosen by random lot by the Commission Chair. The alternate members shall then serve on a rotating basis, as needed, based upon availability.~~

~~F. When serving in the place of a member, the alternate member shall have the full rights and obligations of a member. Alternate members not serving in place of a member may not participate as a Commission member in the discussion of agenda items at meetings or workshops of the Commission or any subcommittee thereof. In the event a Commission member is available to once again serve with regard to a matter because he/she is no longer absent or recused, the alternate member will no longer serve with regard to said matter.~~

~~G.~~ All provisions of law relating to Commission member eligibility, vacancy in office, removal, compatibility of office and service on other boards, training, continuing education, compensation, and attendance shall apply to alternate members, except that there shall be no requirement that an alternate member be a property owner in an historic district.

~~§ 19-2 Compensation.~~

Such members shall receive no payment for their services as members of the Commission.

~~§ 19-3 Officers.~~

The Commission shall have a Chairperson and a Vice Chairperson who are elected by the Commission at its annual meeting. The term of office will be for one year. If a vacancy shall occur other than by expiration of a term, the Commission will hold a special election to fill the office until the next annual meeting.

~~§ 19-4 Powers and duties.~~

~~A.~~ The Design Review Commission shall have and exercise the powers and duties as follows:

~~(1)~~ To review, approve, approve with modification or disapprove all applications for historic review as required by § 240-7.2.

~~(2)~~ To review, approve, approve with modification or disapprove all applications for historic review hardship as required by § 240-7.6.

~~(3)~~ To review, approve, approve with modification or disapprove all applications for architectural review as required by § 240-8.2.

~~(4)~~ To submit an annual report of its activities to the Mayor and the City Council.

~~(5)~~ To adopt, amend or repeal rules for the transaction of its business, which shall include the holding of regular and special meetings, definition of quorum and manner of voting, maintenance of its records and any other rules and regulations necessary or appropriate to the performance of its functions. Such rules or regulations shall be submitted to the City Council for approval and filing for public view and shall become effective, if not modified or rejected by the City Council, within 30 days after their submission to same.

~~(6)~~ To submit its annual budget request to the Mayor. All appropriations must be approved by the City Council.

~~(7)~~ To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such commission by the City Council.

~~(8) To administer on behalf of the City of Saratoga Springs property or full or partial interest in real property, including easements, that the City of Saratoga Springs may have or accept as a gift or otherwise, upon authorization and approval by the City Council.~~

~~(9) To accept and administer on behalf of the City of Saratoga Springs such gifts, grants and money as may be appropriate for the purposes of this chapter. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Design Review Commission.~~

~~(10) To retain such staff specialists or consultants or to appoint such citizen advisory committees as may be required from time to time to carry out its duties, provided that the City Council has made appropriations for any costs associated with such.~~

~~(11) To propose or sponsor the nomination of landmarks and historic districts to the National Register of Historic Places and to review and comment on any National Register proposed nominations submitted to the Design Review Commission upon request of the Mayor, City Council or State Historic Preservation Office.~~

~~(12) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation.~~

~~(13) To maintain a directory of architectural styles.~~

~~(14) To develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts. This shall include a list of architectural and other criteria appropriate to the development of each historic district or architectural review district to serve as a guide for persons contemplating work within an historic district and to serve as an aid to the Commission in reviewing applications.~~

~~(15) To conduct surveys of City landmarks and of buildings and areas within the historic districts for the purpose of acquiring data concerning historic, architectural or cultural significance of such buildings and areas.~~

~~(16) To conduct an ongoing survey to identify historically and architecturally significant properties, structures, landmarks and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or City.~~

~~(17) To advise and assist owners on physical and financial aspects of preservation, renovation, rehabilitation and reuse, on procedures for inclusion on the National Register of Historic Places and on participation in state and federal historic preservation programs.~~

~~(18) To inform and educate the citizens of Saratoga Springs concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets and by holding programs and seminars.~~

~~(19) To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.~~

~~(20) To request advisory opinions on any matter before the Commission to the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.~~

~~(21) To review and make advisory recommendations on any matter referred to the Commission by the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.~~

~~(22) To investigate and recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural value as landmarks.~~

~~(23) To develop a preservation component in the Master Plan of the City of Saratoga Springs and to recommend it to the Planning Board and the City Council.~~

~~(24) To exercise all other powers conferred upon it by the City Council.~~

~~§ 19-5 Referrals to Commission.~~

~~The City Council, City departments or officers having final jurisdiction over any matter referred to in § 19-4 of this chapter may refer such matter to the Commission for a report, but if such Commission shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Commission may make its final report.~~

SECTION 4: Sections 34-4 (D), (E), (M), and (N) of Chapter 34 of the City Code, entitled "Planning Board", are amended to read (new material in brackets, old material lined through):

§ 34-1 [Establishment;] Appointment; vacancies; removal; terms.

A. Pursuant to § 27 of the General City Law, there shall be a City Planning Board, hereinafter called the "Board," appointed by the Mayor, which Board shall consist of seven members.

B. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

C. Any member may be removed by the Mayor for cause and after public hearing.

D. Members of the Board shall hereafter be appointed for terms of seven years. Effective July 1, 1994, members now holding office for terms of less than seven years shall hold office until the

~~end of the official year in which their term is scheduled to expire, except that at the beginning of the official year 1996, the Mayor shall have authority to reestablish the terms of the members of the Planning Board now holding office in the manner described in § 27, Subdivision 4 of the General City Law, so that the term of one member shall expire at the end of the official year 1996, and the terms of the remaining members shall be so fixed that one term shall expire at the end of each official year thereafter. At the expiration of the term of each member so appointed, his or her successors shall thereafter be appointed for terms of seven years.~~

[E. The Mayor may appoint up to two alternate members to serve in the place of board members who are unavailable to attend a meeting due to recusal or absence. The chairperson of the planning board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest or scheduled absence. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made. When so designated, the alternate members shall possess all the powers and responsibilities of such member of the board. All provisions of law relating to board member training and continuing education, eligibility, terms of office, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members.]

§ 34-2 ~~Compensation; m[M]unicipal officials; other city agencies.~~

A. ~~Such members shall receive no payment for their services as members of the Board.~~

B. [A.] The municipal officials on such Board shall not, by reason of membership thereon, forfeit their right to exercise the powers, perform the duties or receive the compensation of the municipal office held by them during such membership.

C. [B.] No member of the Planning Board shall be eligible for membership on the city's Zoning Board of Appeals.

§ 34-3 Officers.

The Chairperson [and Vice Chairperson] of the Board shall be designated by the Mayor or, on failure to do so, shall be elected from and by its own members. ~~The Vice Chairperson shall be designated by the Mayor.~~

§ 34-4 Powers and duties.

The Planning Board shall have and exercise the powers and duties as follows:

A. At the direction of [and for consideration by] the City Council, to prepare a City Comprehensive Plan for the development of the entire area of the city.

(1) Definition of City Comprehensive Plan. The term "City Comprehensive Plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions,

reports and other descriptive material, that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the city. The City Comprehensive Plan, as herein defined, shall, among other things, serve as a basis for land use regulation, infrastructure development, public and private investment and any plans which may detail one or more topics of a City Comprehensive Plan.

(2) Content of a City Comprehensive Plan. The City Comprehensive Plan may include the following topics at the level of detail adapted to the special requirements of the city:

(a) General statements of goals, objectives, principles, policies and standards upon which proposals for the immediate and long-range enhancement, growth and development of the city are based.

(b) Consideration of regional needs and the official plans of other government units and agencies within the region.

(c) The existing and proposed location and intensity of land uses.

(d) Consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas.

(e) Consideration of population, demographic and socioeconomic trends and future projections.

(f) The location and types of transportation facilities.

(g) Existing and proposed general location of public and private utilities and infrastructure.

(h) Existing housing resources and future housing needs, including affordable housing.

(i) The present and future general location of educational and cultural facilities, historic sites, health facilities and facilities for emergency services.

(j) Existing and proposed recreation facilities and park land.

(k) The present and potential future general location of commercial and industrial facilities.

(l) Specific policies and strategies for improving the local economy in coordination with other plan topics.

(m) Proposed measures, programs, devices and instruments to implement the goals and objectives of the various topics within the Comprehensive Plan.

(n) All or part of the plan of another public agency.

(o) Any and all other items which are consistent with the orderly growth and development of the city.

(3) ~~The City Council shall adopt or amend the Comprehensive Plan only after a public hearing, notice of which hearing shall be advertised at least three times in the official newspaper or in a newspaper of general circulation in the city at least five days but not more than 20 days before such hearing.~~ [The Planning Board shall hold one or more public hearings and such other meetings as it deems necessary to ensure full opportunity for citizen participation in the preparation of such proposed Plan or amendment. The Planning Board may then recommend such proposed Plan or amendment to the City Council. Within 90 days of receiving the Planning Board's recommendations on the proposed Plan or amendment, the City Council shall hold a public hearing on such proposed Plan or amendment. Notice of a public hearing shall be published in a newspaper of general circulation in the City at least 10 calendar days in advance of the hearing. The proposed Comprehensive Plan or amendment shall be made available for public review during said period at the Office of the City Clerk and may be made available at any other place, including a public library.]

(4) [Unless prepared by the Planning Board,] the City Council may refer the Comprehensive Plan and its amendments to the Planning Board for review and comment. Within 45 days after receipt of the plan or any amendments, the Planning Board shall report its recommendations thereon to the Council. If the Planning Board fails to respond within the prescribed time, the City Council may act without such report. The Board shall not act contrary to any City Council recommendation without first setting forth in the official record the reasons for such contrary action.

(5) The Comprehensive Plan and all modifications thereof shall be on file in the office of ~~the Planning Board and in the offices of the City Engineer~~ [Planning and Economic Development] and City Clerk.

B. To make any investigations and reports relating to the planning of the city and its future growth and affording facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. Any expenditures of the Board for such investigations or reports shall not exceed the appropriation for its expenses. Copies of such investigations or reports shall be submitted to the City Council for their review and comment.

C. To prepare recommendations for changes to the Zoning Ordinance and districts, but any changes in or exemption from ~~such plan after adoption~~ [the Zoning Ordinance] shall be made by the City Council.

D. To issue advisory reports to the City Council on any proposed change in the text or Zoning District boundary under conditions set forth in § 240-~~15.3~~[10.1].

E. To issue advisory reports to the City Council on any proposed planned unit development applications under conditions set forth in § 240-~~3.10~~[10.2].

F. To make referrals for advisory opinions on any matter before the Board to the City Council, ~~the Zoning Board of Appeals~~, the Design Review Commission, the Recreation Commission and any other body, agency or department of the city.

G. To review and make advisory recommendations on any matter referred to the Planning Board by the City Council, the Zoning Board of Appeals, the Design Review Commission, the Recreation Commission and any other body, agency or department of the city.

H. To assist the Mayor with the development of an annual submittal to the City Council of a six-year municipal capital funds plan.

I. To advertise and hold public hearings when it requires or desires. ~~The minimum requirement shall be that n~~[N]otice of hearings shall be advertised ~~at least three times in the official newspaper or in a [Saratoga Springs] newspaper of general circulation in the city at least five days [prior to the date thereof unless otherwise required.] before such hearing but not more than 20 days. The public hearing requirement of specific ordinances must be met as set forth.~~

J. ~~To adopt, after public hearing by the Planning Board and approval of the City Council, subdivision rules and regulations.~~

K.[J.] To review, approve, approve with modification or disapprove all applications for subdivisions within the City of Saratoga Springs pursuant to ~~the adopted subdivision rules and regulations~~[Chapter 241.]

L. [K.] To change or add to the Official Map of the city so as to lay out new [or modify] streets, highways[, drainage systems] or parks or widen or close existing streets, highways or parcels. Drainage systems may also be shown on the map.

M.[L.] To review, approve, approve with modification or disapprove all applications for special use permit as required by § 240-6.2[7.1].

N.[M.] To review, approve, approve with modification or disapprove applications for site plans as required by § 240-5.2[7.2].

O.[N.] To submit its annual budget by the Mayor. All appropriations must be approved by the City Council.

P.[O.] To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such Board by the City Council.

Q.[P.] To employ experts ~~and a staff~~ [, staff and/or legal counsel] and to pay for their services and such other expenses as may be necessary, not exceeding in all the appropriation that may be made for such Board by the City Council.

R.[Q.] To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter, after public hearing by the Planning Board and subject to the approval of the City Council. The City Council shall move to approve, reject or modify the same within 30 days after submission. Failure of the City Council to so move shall be construed to constitute approval of such rules, ~~bylaws and forms~~. [and regulations.]

S.[R.] To ~~express~~ [exercise] all other powers conferred upon it by the City Council.

~~§ 34-5 Referrals to Board.~~

The City Council, city departments or officers having final jurisdiction over any matter set forth in § 34-4 of this chapter may refer such matter to the Planning Board for a report, but if such Planning Board shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Board may make its final report.

SECTION 5. Sections 51-4 (A) and (B) of chapter 51 of the City code, entitled “Zoning Board of Appeals” are amended to read (new material in brackets, old material lined through):

§ 51-1 Establishment; appointment; vacancies; removal; terms.

A. There is hereby established a Zoning Board of Appeals pursuant to § 81 of the General City Law.

B. Such Board shall consist of seven members appointed by the Mayor.

C. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

D. Any member may be removed by the Mayor for cause and after public hearing.

E. Members of the Board shall hereafter be appointed for terms of seven years. ~~Effective July 1, 1994, members now in office for terms of less than seven years shall hold office until the end of the official year in which their term is scheduled to expire, except that at the beginning of the official year 1996, the Mayor shall have authority to reestablish the terms of the members of the Zoning Board of Appeals now holding office in the manner described in § 81, Subdivision 3 of the General City Law, so that the term of one member shall expire at the end of the official year 1996, and the terms of the remaining members shall be so fixed that one term shall expire at the end of each official year thereafter. At the expiration of the term of each member so appointed, his or her successors shall thereafter be appointed for terms of seven years.~~

[F. The Mayor may appoint up to two alternate members to serve in the place of board members who are unavailable to attend a meeting due to recusal or absence. The chairperson of the zoning

board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest or scheduled absence. Such designation shall be entered into the minutes of the initial zoning board meeting at which the substitution is made. When so designated, the alternate members shall possess all the powers and responsibilities of such member of the board. All provisions of law relating to board member training and continuing education, eligibility, terms of office, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members.]

§ 51-2 ~~Compensation; o[O]ther city agencies.~~

A. ~~Such members shall receive no payment for their services as members of the Board.~~

B.

No member of the Zoning Board of Appeals shall be eligible for membership on the city's Planning Board.

§ 51-3 ~~Officers.~~

The officers of the board shall consist of a Chairperson, Vice Chairperson and Secretary who are elected by the Board at its annual meeting. The term of office will be for one year. If a vacancy shall occur other than by the expiration of a term, the Board will hold a special election to fill the office until the next annual meeting.

§ 51-4 ~~Powers and duties.~~

The Zoning Board of Appeals shall have and exercise the powers and duties as follows:

A. To review, approve, approve with ~~modification~~ [conditions] or ~~disapprove~~ [deny] applications for interpretations [, area variances and use variances] ~~of any portion of the city's Zoning Ordinance~~ as required by § 240-14.3[8.0].

B. ~~To review, approve, approve with modification or disapprove applications for use and area variances as required by § 240-14.4.~~

C. [B.] To prepare recommendations [to the City Council] for changes to the Zoning Ordinance and districts[.], but any changes in or exemption from such plan after adoption shall be made solely by the City Council.

D. [C.] To make referrals for advisory opinions on any matter before the Board to the City Council, the Planning Board, the Design Review Commission, the Recreation Commission and any other body, agency or department in the city.

~~F.~~ To review and make advisory recommendations on any matter referred to the Zoning Board by the City Council, the Planning Board, the Design Review Commission, the Recreation Commission and any other body, agency or department of the city.

~~F.~~[D.] To advertise and hold public hearings [in accordance with 240-8.0 of the Zoning Ordinance.] when it requires or desires. The minimum requirement shall be that notice of hearings shall be advertised at least three times in the official newspaper or in a newspaper of general circulation in the city at least five days before such hearing but not more than 20 days. The public hearing requirement of specific ordinances must be met as set forth.

~~G.~~[E.] To submit its annual budget to the Mayor. All appropriations must be approved by the City Council.

~~H.~~[F.] To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such Board by the City Council.

~~I.~~[G.] To employ experts ~~and a staff~~ [, staff and/or legal counsel] and to pay for their services and such other expenses as may be necessary, not exceeding in all the appropriation that may be made for such Board by the City Council.

~~J.~~[H.] To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter, after public hearing by the Zoning Board of Appeals and subject to the approval of the City Council. The City Council shall move to approve, reject or modify the same within 30 days after submission. Failure of the City Council to so move shall be construed to constitute approval of such rules, ~~bylaws and forms~~. [and regulations.]

~~K.~~[I.] To exercise all other powers conferred upon it by the City Council.

~~§ 51-5 Referrals to Board.~~

The City Council, city departments or officers having final jurisdiction over any matter set forth in § ~~51-4~~ of this chapter may refer such matter to the Zoning Board of Appeals for a report, but if such Board shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Board may make its final report.

SECTION 6. Chapter 117 of the City Code, entitled “Fire Prevention and Building Construction” is amended to read (new material in brackets, old material lined through):

~~**CHAPTER 117**~~

~~*Fire Prevention (§ 117-1 — § 117-6)*~~

~~*117-1 Uniform Fire Prevention and Building Code.*~~

~~*117-2 Administration.*~~

The Department of Public Safety is responsible for the administration and enforcement of the provisions of the New York State Uniform Fire Prevention and Building Code dealing with fire prevention.

~~*117-3 Fire inspections.*~~

~~*A.*~~

It shall be the duty of the Department of Public Safety to provide for fire inspections in the following circumstances:

~~*(1)*~~

In areas of public assembly, as defined in part 606 of the Uniform Code, fire inspections shall be conducted at least once per year.

~~*(2)*~~

In all other public and commercial buildings and all residential buildings that contain more than two (2) dwelling units, fire inspections shall be conducted at least once every two (2) years, or at such other intervals as the Commissioner of Public Safety determines to be consistent with local needs.

~~*B.*~~

Fire inspections may be conducted at any time pursuant to:

~~*(1)*~~

A written request of the owner of the property to be inspected or written request of the owner's authorized agent.

~~*(2)*~~

A written statement specifying grounds upon which the subscriber believes a violation of the Uniform Code exists. Such statement must contain the name and address of the subscriber.

(3)-

A requirement of any chapter or article of this Code that an inspection be conducted prior to the issuance or renewal of a license or permit.

(4)-

Any other reasonable and reliable information that a violation of the Uniform Code exists.

117-4 Violations; enforcement of Uniform Code.

A.-

There is hereby designated in the City of Saratoga Springs a public official known as the Fire Inspector to administer and enforce those portions of the New York State Uniform Fire Prevention and Building Code dealing with fire prevention. The Fire Inspector shall exercise his authority primarily with regard to requirements which apply to existing public and commercial buildings and to residential buildings that contain more than two (2) dwelling units.

B.-

Upon determination by the Fire Inspector that a violation of the Uniform Code exists in, on or about any building or premises within his responsibility, he shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by mail.

C.-

In addition to and not in limitation of any power otherwise granted by law, the Fire Inspector is hereby authorized pursuant to § 382 of the Executive Law to issue appearance tickets for violations of the Uniform Code.

117-5 Penalties for offenses.

Penalties for violations of the Uniform Code may be imposed as provided in § 382 of the Executive Law of the State of New York.

117-6 Recordkeeping.

A.-

The Fire Inspector shall keep permanent official records of all transactions and activities conducted by him. All such records shall be public information open to public inspection during reasonable business hours.

B.

The Fire Inspector shall regularly report to the Commissioner of Public Safety, in writing, regarding business conducted by him.

~~Building Construction (§ 117-7 — § 117-11)~~
~~117-7 Uniform Fire Prevention and Building Code.~~

Except as specifically provided in this chapter, the provisions of the New York State Uniform Fire Prevention and Building Code shall be the standards for the construction, equipment, alteration, demolition, use or occupancy, location, repair or removal of buildings and structures in the City of Saratoga Springs, New York, and for the installation and use of materials and equipment therein, and for the location, use and occupancy thereof. All prior standards are hereby repealed.

~~117-8 Administration.~~

The Department of Public Safety is responsible for the administration and enforcement of the provisions of the New York State Fire Prevention and Building Code dealing with building construction.

~~117-9 Violations; enforcement of Uniform Code.~~

A.

There is hereby designated in the City of Saratoga Springs a public official known as the "Building Inspector" to administer and enforce those portions of the New York State Fire Prevention and Building Code dealing with Building Construction. The Building Inspector shall exercise his authority primarily with regard to building construction, conversions, alterations, additions and repairs to existing buildings and manufactured housing. The authority conferred upon the Building Inspector in this chapter shall be in addition to and not in limitation of those powers described in Chapter 240, Article XIII (the Zoning Ordinance) and any other powers conferred upon the Building Inspector by law.

B.

The Building Inspector, in the discharge of his duties, shall have authority to enter any building, structure or premises at any reasonable time.

C.

The Building Inspector may request the assistance of the City Engineer, the City Attorney, the Commissioner of Public Safety, the Police Department and other city officials and employees, so far as such assistance may be necessary in the lawful discharge of his duties. The Building Inspector shall also have the authority to accept reports from inspectors of required inspection services once it has been determined that such inspection services are qualified and reliable and

furthermore that any such reports submitted shall be in writing and certified by a responsible officer of said inspection service.

D.

Upon determination by the Building Inspector that a violation of the Uniform Code exists in, on or about any building or premises within his responsibility, he shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by mail.

E.

In addition to and not in limitation of any power otherwise granted by law, the Building Inspector is hereby authorized, pursuant to § 382 of the Executive Law, to issue appearance tickets for violations of the Uniform Code.

~~117-10 Penalties for offenses.~~

Penalties for violations of the Uniform Code may be imposed as provided in § 382 of the Executive Law of the State of New York.

~~117-11 Recordkeeping.~~

A.

The Building Inspector shall keep permanent official records of all transactions and activities conducted by him. All such records shall be public information open to public inspection during reasonable business hours.

B.

The Building Inspector shall regularly report to the Commissioner of Public Safety, in writing, regarding business conducted by him.

~~Housing Maintenance (§ 117-12 — § 117-16)~~

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~~117-12 Uniform Fire Prevention and Building Code.~~

Except as specifically provided in this chapter, the provisions of the New York State Uniform Fire Prevention and Building Code shall be the standards governing the condition and maintenance of dwellings, establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation, establishing minimum standards governing the condition of dwellings offered for rent, fixing certain responsibilities and duties of owners and occupants of dwellings,

authorizing the inspection of dwellings and the condemnation of dwelling units unfit for human habitation, and declaring emergencies. All prior standards are hereby repealed.

~~117-13 Administration.~~

The Department of Public Safety is responsible for the administration and enforcement of the provisions of the New York State Uniform Fire Prevention and Building Code dealing with housing maintenance.

~~117-14 Violations; enforcement of Uniform Code.~~

~~A.~~

There is hereby designated in the City of Saratoga Springs a public official known as the "Code Administrator" to administer and enforce those portions of the New York State Uniform Fire Prevention and Building Code dealing with housing maintenance. The authority conferred upon the Code Administrator in this chapter shall be in addition to and not in limitation of any other powers conferred upon him by law.

~~B.~~

Upon determination by the Code Administrator that a violation of the Uniform Code exists in, on or about any building or premises within his responsibility, he shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by mail.

~~C.~~

In addition to and not in limitation of any power otherwise granted by law, the Code Administrator is hereby authorized, pursuant to § 382 of the Executive Law, to issue appearance tickets for violations of the Uniform Code.

~~117-15 Penalties for offenses.~~

Penalties for violations of the Uniform Code may be imposed as provided in § 382 of the Executive Law of the State of New York.

~~117-16 Recordkeeping.~~

~~A.~~

The Code Administrator shall keep permanent official records of all transactions and activities conducted by him. All such records shall be public information open to public inspection during reasonable business hours.

B.

~~The Code Administrator shall regularly report to the Commissioner of Public Safety, in writing, regarding business conducted by him.~~

[CHAPTER 117
FIRE INSPECTOR AND BUILDING DEPARTMENT

117-1 FIRE INSPECTOR

There is hereby established in the City of Saratoga Springs an office designated as Fire Inspector. Fire Inspectors shall administer and enforce those portions of the New York State Uniform Fire Prevention and Building Codes dealing with fire prevention. The Fire Inspector is within the Department of Public Safety. The authority conferred upon fire inspectors in this chapter shall be in addition to and not in limitation of any other authority conferred upon Fire Inspectors by law.

117-2 BUILDING DEPARTMENT

There is hereby established in the City of Saratoga Springs a Building Department within the Department of the Mayor, which includes Building Inspectors, Zoning and Building Inspectors, and Assistant Building Inspectors. The Mayor may appoint additional inspectors on a temporary or permanent basis, and shall have authority to designate which of such additional inspectors shall act in the place of the Building Inspector or Zoning and Building Inspector when either is absent, unavailable, or such position(s) is/are vacant. Such inspectors shall administer and enforce those portions of the New York State Uniform Fire Prevention and Building Codes dealing with the construction, equipment, alteration, demolition, use or occupancy, location, repair or removal of buildings and structures in the City of Saratoga Springs and the installation and use of materials and equipment therein.

The authority conferred upon Building Inspectors, Zoning and Building Inspectors and Assistant Building Inspectors in this chapter is in addition to, and not in limitation of, any other authority conferred upon them by law.

The Building Department shall administer and enforce the provisions of the zoning ordinance and subdivision regulations as set forth in the City Zoning Ordinance Article 9.]

SECTION 7. Chapter 118 of the City Code, entitled "Building Code Administration" is amended to read (new material in brackets, old material lined through):

CHAPTER 118

Inspection and Administration (§ 118-1 — § 118-15)

118-1 Purpose.

This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this City. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

118-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING PERMIT

A permit issued pursuant to § 118-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY

A certificate issued pursuant to § 118-7B of this chapter.

CITY

The City of Saratoga Springs.

CODE ENFORCEMENT OFFICERS

The Code Enforcement Officers designated pursuant to § 118-3A of this chapter, and their assistants.

CODE ENFORCEMENT PERSONNEL

The Code Enforcement Officers and inspectors, and their assistants.

COMPLIANCE ORDER

An order issued by a Code Enforcement Officer pursuant to § 118-15A of this chapter.

ENERGY CODE

The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR

An inspector appointed pursuant to § 118-3E of this chapter.[and includes Building Inspector, Zoning and Building Inspectors, Assistant Building Inspectors, or other inspectors designed by the Mayor.]

OPERATING PERMIT

A permit issued pursuant to § 118-10 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER

The person to whom a building permit has been issued.

PERSON

An individual, corporation, limited-liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER

An order issued pursuant to § 118-6 of this chapter.

TEMPORARY CERTIFICATE

A certificate issued pursuant to § 118-7D of this chapter.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

118-3 Code Enforcement Officers; inspectors.

A.

All City officials designated as Fire Inspectors, Building Inspectors and Code Administrators are designated as Code Enforcement Officers as per New York State Law. The Code Enforcement Officers shall administer and enforce the provisions of the Uniform Code, the Energy Code, and this chapter as set forth herein. Code Enforcement Officers shall have powers and duties as set forth below, and, in the event that a Fire Inspector, Building Inspector or Code Administrator shall be assigned powers and duties under other laws or regulations of the City that conflict with the powers and duties assigned under this chapter, the powers and duties assigned under this chapter shall be controlling.

(1)

Building Inspectors[, Zoning and Building Inspectors, and Assistant Building Inspectors] shall have exclusive authority to administer and enforce § 118-4, Building permits, § 118-5, Construction inspections, and § 118-7, Certificates of occupancy[and 118-9, Unsafe Buildings and Structures, except that Code Administrators may administer parts of 118-9 as provided therein.]

(2)

Fire Inspectors shall have exclusive authority to administer and enforce § 118-10, Operating permits, and the provisions in § 118-11 so far as they relate to firesafety.

(3)

Code Administrators and Fire Inspectors shall have exclusive authority to administer and enforce Article II, Residential Occupancy Permits.

B.

All Code Enforcement Officers shall have the power/duty to:

(1)

Issue stop-work orders;

(2)

Review and investigate complaints;

(3)

Issue orders pursuant to § 118-15A, Compliance orders, of this chapter;

(4)

Maintain records;

(5)

Collect fees as set by the City Council of this City;

(6)

Pursue administrative enforcement actions and proceedings;

(7)

In consultation with the City attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and

(8)

Exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

C.

All Code Enforcement Officers shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officers shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

D.

In the event that Code Enforcement Officers are unable to serve as such for any reason, Acting Code Enforcement Officers shall be appointed by the appropriate department head. Acting Code Enforcement Officers shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officers by this chapter.

E.

One or more inspectors may be appointed by the appropriate department head to assist Code Enforcement Officers in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officers by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

118-4 Building permits.

A.

Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Building ~~Inspector~~. [Department].

B.

Exemptions. No building permit shall be required for work in any of the following categories:

(1)

Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area is less than 144 square feet (13.38 square meters);

(2)

Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3)

Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4)

Installation of fences which are not part of an enclosure surrounding a swimming pool;

(5)

Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids [as defined in the State Codes];

(6)

Construction of temporary motion-picture, television and theater stage sets and scenery;

(7)

Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(8)

Installation of partitions or movable cases less than five feet nine inches in height;

(9)

Painting, wallpapering, tiling, carpeting, or other similar finish work;

(10)

Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11)

Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(12)

Repairs, provided that such repairs do not involve:

(a)

The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;

(b)

The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;

(c)

The enlargement, alteration, replacement or relocation of any building system; or

(d)

The removal from service of all or part of a fire protection system for any period of time.

C.

Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D.

Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Building ~~Inspector~~ [Department]. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Building ~~Inspector~~ [Department] deems sufficient to permit a determination ~~by the Building Inspector~~ that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1)

A description of the proposed work;

(2)

The Tax Map number and the street address of the premises where the work is to be performed;

(3)

The occupancy classification of any affected building or structure;

(4)

Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;

(5)

At least two sets of construction documents (drawings and/or specifications) which:

(a)

Define the scope of the proposed work;

(b)

Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(c)

Indicate with sufficient clarity and detail the nature and extent of the work proposed;

(d)

Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and

(e)

Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(6)

Any other additional information and/or documentation as may be required by ~~Article XIII~~ of the City's Zoning Ordinance.

E.

Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection [D\(5\)](#) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Building Inspector[Department] in writing or by

stamp. One set of the accepted construction documents shall be retained by the Building Inspector[Department], and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

F.

Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Building Inspector [, Zoning and Building Inspector, the Assistant Building Inspectors, or any person duly designated by the Mayor to act in the place of the Building Inspector], shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

G.

Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H.

Work to be performed in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Building Inspector [Department] of any change occurring during the course of the work. The building permit shall contain such a directive. If the Building Inspector [Department] determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

I.

Time limits. Building permits shall become invalid unless the authorized work is commenced within 24 months following the date of issuance. ~~Building permits shall expire 24 months after the date of issuance.~~ A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Building Inspector.

J.

Revocation or suspension of building permits. If the Building Inspector determines [that] a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy

Code, the Building Inspector shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K.

Fee. ~~The fee specified in or determined in accordance with the provisions set forth § 240-13.6 of the City's Zoning Ordinance~~ [All fees established by the City Council] must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit. [A schedule of all such fees will be available for review in the Office of the City Clerk and in the Building Department.]

118-5 Construction inspections.

A.

Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Building ~~Inspector~~ [Department] or by an inspector authorized by the Building ~~Inspector~~ [Department]. The permit holder shall notify the Building ~~Inspector~~ [Department] when any element of work described in Subsection **B** of this section is ready for inspection.

B.

Elements of work to be inspected. All elements of the construction process that the Building ~~Inspector~~ [Department] deems appropriate shall be inspected where applicable, including but not limited to footings before concrete, foundation rebar before concrete, foundation before backfill, floor slab before concrete, roof deck before cover, rough frame before insulation, rough plumbing before insulation, HVAC before insulation, insulation before cover, and septic before backfill. A final inspection is required after all work authorized by the building permit has been completed.

C.

Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

D.

Fee. ~~The fee specified in or determined in accordance with the provisions set forth in § 240-13.6 of the City's Zoning Ordinance~~ [All fees established by the City Council] must be paid prior to or at the time of each inspection performed pursuant to this section. [A schedule of all such fees will be available for review in the office of the City Clerk and in the Building Department.]

118-6 Stop-work orders.

A.

Authority to issue. ~~The~~ [Any] Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. ~~The~~ [A] Code Enforcement Officer shall issue a stop-work order to halt:

(1)

Any work that is determined by ~~the~~ [a] Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2)

Any work that is being conducted in a dangerous or unsafe manner in the opinion of ~~the~~ [a] Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3)

Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B.

Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by ~~the~~ [a] Code Enforcement Officer, state the reason or reasons for issuance, and, if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C.

Service of stop-work orders. ~~The~~ [A] Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered mail/certified mail. ~~The~~ [A] Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work

affected by the stop-work order, personally or by registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D.

Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E.

Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 118-15, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

118-7 Certificates of occupancy.

A.

Certificates of occupancy required. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another [as specified in the New York State Uniform Fire Prevention and Building Codes.] Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy.

B.

Issuance of certificates of occupancy. The Building ~~Inspector~~ [Department] shall issue a certificate of occupancy if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. ~~The Building Inspector shall inspect the~~ [All] building[s], structure[s] or work [shall be inspected] prior to the issuance of a certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building ~~Inspector~~ [Department], at the expense of the applicant for the certificate of occupancy, shall be provided to the Building ~~Inspector~~ [Department] prior to the issuance of the certificate of occupancy:

(1)

A written statement of structural observations and/or a final report of special inspections; and

(2)

Flood hazard certifications.

C.

Contents of certificates of occupancy. A certificate of occupancy shall contain the following information:

(1)

The building permit number, if any;

(2)

The date of issuance of the building permit, if any;

(3)

The name, address and Tax Map number of the property;

(4)

If the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;

(5)

The use and occupancy classification of the structure;

(6)

The type of construction of the structure;

(7)

The assembly occupant load of the structure, if any;

(8)

If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9)

Any special conditions imposed in connection with the issuance of the building permit;

(10)

The signature of the ~~Building Inspector~~ [inspector] issuing the certificate of occupancy and the date of issuance; and

(11)

Any other additional information as may be requested by ~~Article XIII of the City's Zoning Ordinance~~. [reasonably requested by the Building Department].

D.

Temporary certificate. The Building ~~Inspector~~ [Department] shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Building ~~Inspector~~ [Department] issue a temporary certificate unless the Building ~~Inspector~~ [Department] determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Building ~~Inspector~~ [Department] may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Building ~~Inspector~~ [Department] and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E.

Revocation or suspension of certificates. If the Building ~~Inspector~~ [Department] determines that a certificate of occupancy or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of ~~the Building Inspector~~ [an inspector] within such period of time as shall be specified by the Code Enforcement Officer, the Building Inspector shall revoke or suspend such certificate.

F.

Fee. ~~The fee specified in or determined in accordance with the provisions set forth in § 240-13.6 of the City's Zoning Ordinance~~ [All fees established by the City Council] must be paid at the time of submission of an application for a certificate of occupancy or for a temporary certificate. [A schedule of all such fees will be available for review in the office of the City Clerk and in the Building Department]

118-8 Notification regarding fire or explosion.

The Chief of the Saratoga Springs Fire Department shall promptly notify all Code Enforcement Officers of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

118-9 Unsafe buildings and structures.

~~Unsafe structures and equipment in the City of Saratoga Springs shall be identified and addressed in accordance with the procedures established by § 240-12.17 of the City Zoning Ordinance, as now in effect or as hereafter amended from time to time.~~

[A. PURPOSE AND CONSTRUCTION

The purpose of this section is to promote and preserve the public health, safety and welfare by providing methods for repair or removal of buildings and structures that have become or shall hereafter become unsafe to the public and to the human beings that live in them. The powers conferred by this section shall be in addition to and not in limitation of other powers conferred upon the City of Saratoga Springs by state law. Any or all of the procedures described in this section may be used to remedy an unsafe structure.

B. DEFINITIONS

UNSAFE BUILDING/STRUCTURE – Any building or structure that, from any cause, endangers the health, safety and welfare of the public, with particular reference to the New York State Uniform Fire Prevention and Building Code as a determinant.

C. NOTICE AND HEARING PROCEDURE

(1) Upon written complaint or upon the Building Inspector's [or the Zoning and Building Inspector's] own initiative that a building or structure may be unsafe, the Building Inspector [or the Zoning and Building Inspector] shall make an inspection of the building or structure and shall file a report of said inspection with the Commissioner of Public Safety and the City Attorney.

(2) Upon the preliminary finding by the Building Inspector[or the Zoning and Building Inspector] that the building or structure endangers the health, safety and welfare of the public, the Building Inspector [or the Zoning and Building Inspector] shall serve notice upon the owner and all other persons having an interest in such building or structure.

(3) CONTENTS OF NOTICE. The notice shall contain the following:

- (a) A description of the premises;
- (b) A statement of the particulars in which the building is unsafe;
- (c) An order requiring the building to be repaired or demolished;
- (d) That the repairing or demolition of the building shall commence within 30 days of the serving of the notice, as hereinafter provided, and shall be completed within 60 days thereafter;
- (e) A date, time and place for a hearing before the Building Inspector [or the Zoning and Building Inspector] in relation to such unsafe building, which hearing shall be scheduled not less than five business days from the day of service of the notice;
- (f) A statement that in the event of neglect or refusal to comply with the order to repair or demolish the building, the City Council is authorized to provide for its repair or demolition, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

(4) SERVICE OF NOTICE. The notice shall be served in the following manner:

- (a) By personal service of a copy thereof upon the owner or some one of the owners, executors, legal representative, agents, lessees or any other person having a vested or contingent interest in the premises as shown by the last preceding completed assessment roll of the City, or of the county clerk, such service to be complete and the 30-day time period recited in said notice to commence upon service; or
- (b) By mailing a copy of said notice to such owner [,and all other persons having a legal interest in the property or structure,] as aforesaid by registered mail return receipt requested, addressed to the last known address of the owner and by affixing a copy of said notice to the premises, such service to be complete and the 30-day time period recited in said notice to commence ~~40 days after the filing of the return~~ [upon date of] receipt.
- (c) A copy of the notice shall also be filed in the office of the [Saratoga] County Clerk of the county within which such building is located, which notice shall be filed by such clerk in the same manner as a notice of pendency pursuant to article sixty-five of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or upon the consent of the city attorney.

(5) HEARING

- (a) The hearing shall be conducted before the Building Inspector [or the Zoning and Building Inspector]. The owner or his or her representative, if present, shall call such witnesses as he or she deems necessary. The Building Inspector[or the Zoning and Building Inspector] shall make written findings of fact from the testimony offered as to whether or not the building in question is an unsafe building.
- (b) If such owner shall neglect, fail or refuse to comply and shall fail to appear at said hearing, then the Building Inspector [or the Zoning and Building Inspector] shall direct the repair or demolition of the building forthwith.
- (c) If such owner shall neglect, fail or refuse to comply and after appearing at said hearing the Building Inspector [or the Zoning and Building Inspector] finds that the building is a public nuisance and directs its repair or demolition, the owner shall repair or demolish said

building within the time prescribed by the Building Inspector [or the Zoning and Building Inspector]. If the owner fails or neglects to repair or demolish said building as directed by the Building Inspector [or the Zoning and Building Inspector] following the hearing, then the Building Inspector [or the Zoning and Building Inspector] shall direct the repair or demolition of same forthwith.

(6) NONCOMPLIANCE WITH ORDER

In the event of neglect or refusal of the persons so notified to comply with said order of the Building Inspector [or the Zoning and Building Inspector], the Building Inspector [or the Zoning and Building Inspector] shall provide for the demolition and removal of such building either by City employees or by contract. Except in an emergency, any contract in excess of \$20,000 shall be awarded by competitive bidding.

(7) EMERGENCIES

(a) In case there shall be, in the opinion of the Building Inspector [or the Zoning and Building Inspector], actual and immediate danger of the falling of a building so as to endanger public safety, life or property or actual or immediate menace to health or public welfare as a result of the conditions present in or about a building, he or she shall cause the necessary work to be done to render such a building temporarily safe, whether the procedure prescribed in this law for unsafe buildings has been instituted or not.

(b) When emergency work is to be performed under this section, the Building Inspector [or the Zoning and Building Inspector] shall cause the owner thereof to be served personally or by registered mail, return receipt requested, and, if served by registered mail, shall post on the premises a notice to comply containing a description of the premises, a statement of the facts in which the building is unsafe or dangerous and orders and directions to correct the conditions which constitute an emergency within a specified period not to exceed 3 days from actual or constructive receipt of the notice.

(c) In the event that the emergency does not permit any delay in correction, the notice shall state the City has corrected the emergency condition.

(d) In both cases, the notice shall state that the corrective costs of the emergency will be assessed against the owner pursuant to the provisions of this law.

D. UNIFORM FIRE PREVENTION AND BUILDING CODE PROCEDURE

(1) Pursuant to Section 10(4) ~~(4a)~~ (a) of the Municipal Home Rule Law, the Building Inspector and the Code Administrator, together with their designated assistants, are hereby authorized to serve a Notice of Violation, together with an Order to Remedy Said Violation, upon any ~~part~~ [party] described in Section 382(2) of the Executive Law, to remedy any unsafe building or structure which violates the New York State Uniform Fire Prevention and Building Code (9 NYCRR Section 600, et seq.).

(2) Said Notice and Order shall specify the section or sections of the Uniform Fire Prevention and Building Code violated and shall state a time by which said violation or violations must be remedied. The Notice and Order shall be served upon the defendant in person or by certified or registered mail in the manner provided by law. Any person so served with Notice and Order shall, upon failure to remedy the cited violations within the time stated therein, be subject to the fines and penalties stated in Section 382(2) of the Executive Law.

(3) In addition to and not in limitation of the other provisions of this subsection, the Building Inspector [,or the Zoning and Building Inspector,] and the Code Administrator, together with

their designated assistants, are hereby authorized to issue appearance tickets under Article 150 of the Criminal Procedure Law, for violations of the Uniform Code as stated above.

E. COURT ACTION.

The imposition of fees, fines and/or a jail sentence as herein prescribed, shall not preclude the City or any agent, officer or employee of the City, from instituting an action for injunction or other appropriate legal action or proceedings in a court of competent jurisdiction to remedy an unsafe building or structure. In the event such an action is commenced, and the outcome is anything other than a finding in favor of the violator, the violator shall be responsible for all reasonable attorneys' fees incurred by or on behalf of the City, together with all costs and disbursements of the litigation.

F. NONEXCLUSIVITY OF REMEDIES.

The City of Saratoga Springs, its authorized agents, officers or employees, or any or all of the same, may proceed under any subsection hereof, at any time, without respect to whether any other remedy has been imposed or sought by the City of Saratoga Springs, or any agents, officers or employees of same. The alternative remedies, fees and penalties provided for herein are not mutually exclusive, but rather may be commenced, implemented and enforced simultaneously without regard to whether any other remedies, fees or penalties have been sought or imposed.]

118-10 Operating permits.

A.

Operating permits required.

(1)

Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(a)

Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;

(b)

Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(c)

Use of pyrotechnic devices in assembly occupancies;

(d)

Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e)

Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of the City.

(2)

Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

B.

Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Fire Inspector. Such application shall include such information as the Fire Inspector deems sufficient to permit a determination by the Fire Inspector that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Fire Inspector determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Fire Inspector, at the expense of the applicant.

C.

Inspections. The Fire Inspector or an authorized inspector shall inspect the subject premises prior to the issuance of an operating permit.

D.

Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Fire Inspector may require a separate operating permit for each such activity, or the Fire Inspector may, in his or her discretion, issue a single operating permit to apply to all such activities.

E.

Duration of operating permits. Operating permits shall remain in effect until reissued, renewed, revoked, or suspended.

F.

Revocation or suspension of operating permits. If the Fire Inspector determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

G.

Fee. A fee of \$30.00 must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

118-11 Firesafety and property maintenance inspections.

A.

Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Fire Inspector or an inspector designated by the Fire Inspector at the following intervals:

(1)

Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

(2)

Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

(3)

Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2), shall be performed at least once every 36 months.

B.

Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Fire Inspector at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Fire Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Fire Inspector of any other information, reasonably believed by the Fire Inspector to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C.

Office of Fire Prevention and Control inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b.

D.

Fees. A fee of \$30 must be paid at the time of submission of an application for a firesafety and property maintenance inspection.

118-12 Complaints.

All Code Enforcement Officers shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

A.

Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B.

If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 118-15, Enforcement; penalties for offenses, of this chapter;

C.

If appropriate, issuing a stop-work order;

D.

If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

118-13 Recordkeeping.

A.

All Code Enforcement Officers shall keep permanent official records of all transactions and activities conducted by them, including records of:

(1)

All applications received, reviewed and approved or denied;

(2)

All plans, specifications and construction documents approved;

(3)

All building permits, certificates of occupancy, temporary certificates, stop-work orders, and operating permits issued;

(4)

All inspections and tests performed;

(5)

All statements and reports issued;

(6)

All complaints received;

(7)

All investigations conducted;

(8)

All other features and activities specified in or contemplated by §§ 118-4 through 118-12, inclusive, of this chapter; and

(9)

All fees charged and collected.

B.

All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

118-14 Program review and reporting.

A.

Code Enforcement Officers shall annually prepare for submittal to the City Council a written report and summary of all business conducted by them, including a report and summary of all transactions and activities described in § 118-13, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B.

The City shall annually submit to the Secretary of State, on behalf of this City, on a form prescribed by the Secretary of State, a report of the activities of this City relative to administration and enforcement of the Uniform Code.

C.

The City shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this City is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this City in connection with administration and enforcement of the Uniform Code.

118-15 Enforcement; penalties for offenses.

A.

Compliance orders. Code Enforcement Officers are authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall have authority to issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally

or by registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B.

Appearance tickets. Code Enforcement Officers and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C.

Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this City.

D.

Injunctive relief. An action or proceeding may be instituted in the name of this City, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this City, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the City Council of this City.

E.

Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 118-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 118-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable

law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

Residential Occupancy Permits (§ 118-16 — § 118-17)
118-16 Purpose; applicability; inspection and certification; penalties; fees.

A.

Definitions. The following terms shall apply in the interpretation and enforcement of ~~Article II~~: [this section]:

AGENT

Any person who has charge, care or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

DEPARTMENT

The Saratoga Springs Department of Public Safety and all Code Administrators and Fire Inspectors in that Department who act as Code Enforcement Officers under this article.

MULTI FAMILY DWELLING

Any building with three or more rental dwelling units or rooming units which is wholly or partly used or is intended to be used as habitable space for human occupants.

OWNER

Any person or entity who, alone or with others, has legal or equitable title.

RENTAL DWELLING UNIT

Any room or contiguous group of rooms located within a multifamily dwelling and forming a single, habitable living space for one or more persons and which has cooking and sanitary facilities.

ROOMING UNIT

Any furnished room for rent located within a multifamily dwelling and forming a single sleeping space and which does not have private cooking facilities.

B.

Applicability to other laws. This article is supplementary to applicable provisions of Article I of this chapter.

C.

Purpose and scope. The purpose of this article is to establish uniform administration and compliance with the requirements of this chapter applicable to residential occupancy permits and to establish the responsibilities of parties concerned therewith. This article shall apply to all multifamily dwellings in the City but shall not apply to:

(1)

Buildings designed and used exclusively as hotels, motels, transient homes or establishments of like nature.

(2)

Buildings in which people are cared for or live in a supervised environment, having physical limitations because of health or age.

(3)

Buildings in which people are ~~harbored~~ [housed] for medical treatment or other care or treatment.

(4)

Buildings subject to code inspection by state officials, departments, or agencies pursuant to state law, rule or regulation.

D.

Inspection and certification of premises; residential occupancy permit.

(1)

General.

(a)

All rental dwelling units and rooming ~~houses~~ [units] shall be inspected and certified by the Department, which shall determine compliance with, administer and enforce all applicable provisions of this Code and the NYS Fire Prevention and Property Maintenance Code. If the Department has determined that a property is in compliance with said codes and that all requirements under this article have been met, the Department shall issue a residential occupancy permit for that property. ~~On and after January 1, 2009,~~ Residential occupancy permits shall be valid for 36 months from the date of issuance.

(b)

Except as otherwise provided herein, it shall be unlawful and a violation of this article to rent, lease or otherwise allow the occupancy of any residential rental dwelling unit or rooming ~~house~~ [unit]-within a multifamily dwelling without inspection, certification, and issuance of a residential occupancy permit as required herein.

(c)

If, upon inspection, said premises does not comply with all applicable provisions of this Code, the Fire Code of New York State or the Property Maintenance Code, the specific reasons for noncompliance shall be specified in writing in a notice and order, as provided in ~~Chapter 118~~ [Chapter 118](#) [herein]. The notice and order shall be served as set forth in ~~Chapter 118~~ [Chapter 118](#) of this Code [herein]. Occupants or proposed occupants of dwellings shall have the right to inspect the certificate of occupancy of the rental dwelling unit, or rooming ~~house~~ [unit] in which they have an interest at no cost.

[\(2\)](#)

~~On or after January 1, 2009,~~ The Department shall have the right to inspect all or any part of a multifamily dwelling.

[\(3\)](#)

The officials charged with conducting the inspection shall schedule such inspection, access and circumstances permitting, within five business days of receipt of a request from the owner, agent or occupant.

[\(4\)](#)

An owner, agent or occupant may file a request for such inspection and the issuance of a residential occupancy permit with the Department of Public Safety.

[\(5\)](#)

Nothing in this article shall be construed to limit the right of the Department to inspect any property at any time. If, after issuing a residential occupancy permit, the Department receives a complaint alleging a violation of this chapter, other than a violation that creates an imminent hazard to the public health or to the physical or mental health of the occupants of the rental property, the Department shall make a good faith effort to notify the owner or agent of the complaint by either telephone or regular mail, before conducting an inspection under this article, and shall provide to the owner or agent one working day to explain what steps the owner or agent is taking to correct the violation. The Department may take steps necessary, by inspection or other means, to assure that the violation is corrected.

[\(6\)](#)

No residential occupancy permit shall be issued under this article unless and until the fee(s) required under Subsection [G](#) of this section is paid in full to the Department of Public Safety.

[\(7\)](#)

No residential occupancy permit shall be issued under this article unless the rental dwelling unit or rooming ~~house~~ [unit] is an authorized use pursuant to the City Zoning Ordinance, and until all

other applicable provisions and requirements of the Code of the City of Saratoga Springs are complied with and met.

E.

Temporary residential occupancy permit. The Department may cause to be issued at its discretion a temporary occupancy permit following an initial inspection, which temporary occupancy permit shall be subject to review and revocable at the discretion of the Department. No temporary occupancy permit may be issued in cases where firesafety is involved, such as defective electrical wiring, the absence of either an operating smoke detector or, after October 1, 1996, a carbon monoxide detector where required, or improper or inadequate means of egress and other conditions of like nature.

F.

Penalties for offenses. Any person who shall knowingly and willfully violate or assist in the violation of this article or who fails to comply with a notice and order issued by the Department of Public Safety under this article shall, upon conviction, be punished as set forth in Chapter 1, Article III, of the City Code.

G.

Fees for inspection.

(1)

The following schedule of fees shall apply with respect to the inspection and certification of residential dwelling units and rooming units:

(a)

There shall be no charge for an initial inspection to determine compliance with the applicable provisions of this Code or for a first reinspection.

(b)

Any and all subsequent reinspections necessary to determine compliance with required corrective action or repairs shall be subject to a charge of \$30 per unit inspected.

(c)

Failure to appear within 15 minutes of a scheduled inspection ("no show") shall result in a fee of \$20 per unit [to be inspected.]

(d)

Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of \$20 per unit to be inspected.

(e)

Cancellation of a scheduled inspection for the unit more than once or after a "no show" ("second cancellation") shall result in a fee of \$20 per unit to be inspected.

(2)

Fees prescribed under this section for failure to appear at, and cancellation of, a scheduled inspection may be waived at the discretion of the Commissioner of Public Safety or his or her designee for good cause shown.

(3)

Unpaid fees shall be subject to the placement and recording of a lien by the City of Saratoga Springs against the inspected property.

118-17 Registration; fees.

A.

Scope. Except as hereinafter provided, this article shall apply to every multifamily dwelling, rental dwelling unit or rooming unit as defined herein, whether it is rented, let, assigned or otherwise classified as a rental property, with or without valuable consideration, by an owner-occupant, an absentee owner or a legal agent on behalf of the owner.

B.

Registry of rental dwelling units and rooming units required. Every rental dwelling unit and rooming unit shall be registered with the City by the owner as required herein.

C.

Reregistration. All owners shall reregister a certified rental dwelling unit or rooming unit prior to expiration of the residential occupancy permit.

D.

Registration of existing and new rental dwelling units [and rooming units].

(1)

All rental dwelling units and rooming units ~~existing as of the effective date of this article~~ shall be registered. ~~on or before January 1, 2009. The Department may require and order registration~~

~~prior to that date for any dwelling cited in a notice under the City Code. Failure to comply with such an order [register] is a violation of this article.~~

(2)

The owner of a new rental dwelling unit or rooming unit or any dwelling newly converted to a rental dwelling unit or rooming unit shall register the rental dwelling unit or rooming unit] prior to allowing occupancy of any new rental unit.

(3)

The owner of any rental dwelling unit or rooming unit already registered with the City shall reregister within 30 days after any change occurs in registration information. A new owner of a registered dwelling unit [or rooming unit] shall reregister the dwelling unit within 60 days of assuming ownership.

E.

Registry of rental dwelling units and rooming units. The City shall maintain a registry of all rental dwelling units and rooming units containing the following information which shall be provided by the owner on forms available from the Saratoga Springs Fire Department:

(1)

The name, legal residence address and telephone number of the owner and any agent in control of the rental dwelling unit [or rooming unit], and, in the event the owner or agent is not a natural person, then the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one individual has an ownership interest, the required information shall be included for each owner. The information required herein shall also include the address and phone number where the owner(s), agent(s) and/or responsible person(s) may be reached day and night.

(2)

The number and type of rental dwelling units or rooming units in the multifamily dwelling.

(3)

The address of the multifamily dwelling.

(4)

The employer identification number in the event that the rental dwelling unit or rooming unit is owned by a corporation.

(5)

If neither the address of the owner or the address of the agent in control of the premises, as provided in Subsection A, are within the City of Saratoga Springs, the name, legal residence or business address within the City of Saratoga Springs, Saratoga County or adjoining counties and telephone number of an individual who shall be an agent for service of notices and orders issued under this article and for service of process in connection with the prosecution of violations of this article in Saratoga Springs City Court or other court of competent jurisdiction.

F.

Fees for registration; exemptions.

(1)

To offset the administrative costs of preparing and maintaining the registry and conducting the inspections required under this article, the following schedule of fees for the initial and subsequent registration of rental dwelling units and rooming units is hereby imposed:

Rental Dwelling Units	Fee
3 to 5	\$30 per unit
6 to 10	\$50, plus \$20 per unit
11 to 20	\$100, plus \$20 per unit
Over 20	\$250, plus \$15 per unit
Rooming Units	Fee
1 to 10	\$50, plus \$10 per unit
11 to 20	\$100, plus \$10 per unit
Over 20	\$250, plus \$10 per unit

In addition to the base dwelling unit fee, when rooming units are presented, add the following fees:

Rental Dwelling Units Combined With Rooming Units	Fee
1 to 10	\$50, plus \$10
11 to 20	\$100, plus \$10
Over 20	\$250, plus \$100

(2)

Payment of the applicable fee under this section shall be due upon filing of registration.

G.

Failure to register; inaccurate or incomplete information. It shall be a violation of this article for an owner or a responsible person to provide inaccurate information for the registry of rental dwellings or to fail to provide the information required herein for the registry.

H.

Penalties for offenses. An owner who fails to register, reregister or otherwise comply with the provisions of this article shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the City Code.

Miscellaneous (§ 118-18) 118-18 Intermunicipal agreements.

The City Council of this City may, by resolution, authorize the Mayor to enter into an agreement, in the name of this City, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 8. Sections 136-24 (B) and (C), and Section 136-25 (B) of Chapter 136 of the Code of the City of Saratoga Springs, entitled, "Lodging and Eating and Drinking Establishments" is amended to read (new material in brackets, old material lined through):

B. Has obtained the approval of the Building Inspector for any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe. No such railing, flooring or other support or enclosure shall be considered an erection of, an addition to, or a structural alteration of a building or structure ~~under § 240-13.4~~ unless such railing, flooring or other support or enclosure is permanently attached to such building or structure.

C. For sidewalk cafes that did not have a valid sidewalk cafe permit on or before July 1, 1992, beginning on January 1, 1993, has obtained the approval of the Design Review Commission (DRC) if the sidewalk cafe is located in the public right-of-way within any area designated in § ~~240-7.20~~ [240-7.4.18] (City landmark or historic districts) or § ~~240-8.14~~ [240-7.5.12] (Architectural review districts). The DRC shall use the review criteria for such plans relating to a sidewalk cafe's specific location, size and structure for its compatibility of scale, design and material as set forth in either § ~~240-7.10~~ [240-7.4] or ~~240-8.9~~ [240-7.5], whichever is applicable. The DRC shall only have advisory review over colors used for the sidewalk cafe. Any alteration in the plans for a sidewalk cafe requires approval from the DRC. Once approval is granted by the DRC, the approved plans are valid and do not require annual approval. The DRC shall only review applications which have the written approval from the Departments of Public Works and Public Safety and the Building Department as specified in § 136-24. Unless this chapter is amended in the future, all sidewalk cafe structures that have a valid sidewalk cafe permit on or before July 1, 1992, shall not be subject to the approval of the DRC, except that all modifications to such structures shall be subject to the approval of the DRC.

B. No signs shall be hung or attached to any portion of the sidewalk cafe, except those signs on an awning that are in compliance with provisions set forth in Chapter ~~240~~, Article X. [240-6.1.]

SECTION 9. Section 165-2 (E) of the Chapter 165 of the City Code, entitled “Peddling and Vending” is amended to read (new material in brackets):

“E. Any person selling his or her own personal property at a garage sale held at his or her private residence,[provided that no such garage sale may be conducted for more than four (4) days in a month.”]

SECTION 10. Chapter 200A of the City Code, entitled “Stormwater Management” is amended so as to renumber it as Chapter 242, and to read (new material in brackets, old material lined through):

CHAPTER 200A [242] STORMWATER MANAGEMENT

Chapter ~~200A~~ [242]. STORMWATER MANAGEMENT

~~Section 1.~~ [242-1] Findings of Fact

It is hereby determined that:

- ~~1.1~~ [A.] Land ~~development~~ [disturbance] activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- ~~1.2~~ [B.] This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- ~~1.3~~ [C.] Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- ~~1.4~~ [D.] Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- ~~1.5~~ [E.] Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;
- ~~1.6~~ [F.] Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- ~~1.7~~ [G.] Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from land ~~development~~ [disturbance]activities;
- ~~1.8~~ [H.] The regulation of stormwater runoff discharges from land ~~development~~ [disturbance]activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- ~~1.9~~ [I.] Regulation of land ~~development~~ [disturbance] activities by means of performance standards governing stormwater management and site design will produce development compatible

with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

[J.] ~~Define~~ [The boundaries of the City's Municipal Separate Sewer System (MS4) is defined as the entire City of Saratoga Springs, and all lands within its corporate limits.]

Section 3 [242-2]. Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the City Council of Saratoga Springs has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the City of Saratoga Springs and for the protection and enhancement of its physical environment. The City Council of Saratoga Springs may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 2. [242-3] Purpose

The purpose of this ~~local law~~ [Chapter] is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in ~~Section 1~~ [242-1] hereof. This ~~local law~~ [Chapter] seeks to meet those purposes by achieving the following objectives:

2.1 [A.] Meet the requirements of ~~m~~[M]inimum [Control] ~~m~~[M]easures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. ~~GP-02-02~~ [GP-0-10-002] or as amended or revised;

2.2 [B.] Require land ~~development~~ [disturbance] activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities ~~GP-02-01~~ [GP-0-10-001] or as amended or revised;

2.3 [C.] Minimize increases in stormwater runoff from land ~~development~~ [disturbance] activities in order to reduce flooding, siltation, increases in stream temperature, and stream-bank erosion and maintain the integrity of stream channels;

2.4 [D.] Minimize increases in pollution caused by stormwater runoff from land ~~development~~ [disturbance] activities which would otherwise degrade local water quality;

2.5 [E.] Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

2.6 [F.] Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

2.7 ~~Define the boundaries of the City's Municipal Separate Sewer System (MS4) as the entire City of Saratoga Springs, and all lands within its corporate limits.~~

[Section 242-4 Authority Stormwater Management Officer]

[A. The City designates the City Engineer as ~~its~~ [the] Stormwater Management Officer. [The Stormwater Management Officer] ~~who~~ shall accept and review all Stormwater Pollution Prevention Plans and forward such plans to the applicable City board. The Stormwater Management Officer may[:]

1. Review the plans,

2. Upon approval by the City Council, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by the City Council, or,

3. Accept the certification of a licensed professional that the plans conform to the requirement[s] of this law [Chapter].

Section 4. [242-5] Applicability

~~4.1~~ [A.] This ~~local law~~ [The requirements of this] [Chapter] shall be applicable to all land development [disturbance] activities as defined in ~~this local law, Article 2, Section 240-8A.1~~ [this Chapter.]

~~4.2~~ The City designates the City Engineer as its Stormwater Management Officer who shall accept and review all s[S]tormwater p[P]ollution p[P]revention p[P]lans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the City Council of the City of Saratoga Springs, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

~~4.3~~ [B.] All land development [disturbance] activities subject to review and approval by the applicable board [City Planning Board] of the City of Saratoga Springs under subdivision, site plan, special [use] permit, and/or land disturbance activity regulations shall be reviewed subject to the standards contained in this [Chapter.] ~~local law~~

~~4.4~~ [C.] All [other] land development [disturbance] activities not subject to review [by the Planning Board] as stated in section ~~4.3~~ [but subject to 242-7A] shall [also] be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law [Chapter].

Section 5. [242-6] Exemptions

The following activities may be exempt from review under this law [Chapter].

~~5.1~~ [A.] Agricultural activity as defined in this [Chapter.] ~~local law.~~

[B.] Silvicultural activity except that land areas, log haul roads, and the removal of stumps are subject to this Chapter].

~~5.2~~ [C.] Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

~~5.3~~ [D.] Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

~~5.4~~ [E.] Any part of a subdivision if a plat for the subdivision has received final approval from the Planning ~~b~~[B]oard on or before the effective date of this [Chapter.] ~~law.~~

~~5.5~~ [F.] Land development activities for which a building permit has been approved on or before the effective date of this [Chapter.] ~~law.~~

~~5.6~~ [G.] Cemetery graves.

~~5.7~~ [H.] Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

~~5.8~~ [I.] Emergency activity immediately necessary to protect life, property or natural resources.

~~5.9~~ [J.] Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

~~5.10~~ [K.] Landscaping and horticultural activities in connection with an existing structure.

Article 2. Zoning Ordinance Amendment: Stormwater Control

~~The Zoning Ordinance is hereby amended to add a new Article VII A, entitled “Stormwater Control”, as follows:~~

[242-7] ~~240-8A.2.~~ Stormwater Pollution Prevention Plans

[A.] [Submission of a Stormwater Pollution Prevention Plan (SWPPP) is required in the following circumstances:

1. Basic SWPPP (soil and sediment control) required for residential activities disturbing land of 1.0 to 5.0 acres.
2. Full SWPPP (soil and sediment control and post construction controls) required for residential activities disturbing 5.0 acres or more.
3. Full SWPPP (soil and sediment control and post construction controls) required for non-residential activities disturbing 0.1 acre or more.]

~~A. Stormwater Pollution Prevention Plan Requirement~~

~~No application for approval of a land development activity shall be reviewed until the appropriate board [or City Officer] has received a Stormwater Pollution Prevention Plan (SWPPP) prepared, by an appropriate professional, in accordance with the specifications in this [Chapter,] [and approved by the Stormwater Management Officer] local law, in the following circumstances:~~

- ~~1. For land development activity of 0.1 acre to 1.0 acre, a full SWPPP shall be required for all nonresidential activities.~~
- ~~2. For land development activity of 1.0 acre to 5.0 acres, a basic SWPPP shall be required for all residential activities, and a full SWPPP shall be required for all nonresidential activities.~~
- ~~3. For land development activity of 5.0 acres or more, a full SWPPP shall be required for all residential activities and all nonresidential activities.~~

B. Contents of Stormwater Pollution Prevention Plans

1. ~~All~~ [Basic] SWPPPs shall provide the following background information and erosion and sediment controls:

- a. Background information about the scope of the project, including location, type and size of project;
- b. Site map/construction drawing(s) for the project [at a scale no smaller than 1"=100'], including a general location map. At a minimum, the site map ~~should~~ [shall] show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final grades [(5 foot contour interval max)] ~~slopes~~; material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
- c. [Delineation and] ~~D~~[d]escription of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG); [test pit or soil boring information as required by the Stormwater Management Officer;]
- d. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York [State] Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP [and prior written authorization from the City's Stormwater Management Officer];
- e. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- f. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- g. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project ~~close-out~~ [completion and achievement of final [soil] stabilization. [Measures shall meet the requirements of the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control;]
- h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- i. Dimensions, material specifications[,] ~~and~~ installation details[,] [and operation and maintenance requirements] for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- j. Temporary practices that will be converted to permanent control measures;
- k. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement [or implementation of each erosion and sediment control practice] and duration that each practice should remain in place [or be implemented];
- l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice[.] [The maintenance schedule shall be in accordance with

the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control];

- m. Name(s) of the receiving water(s);
- n. Delineation of SWPPP implementation responsibilities for each part of the site;
- o. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- p. Any existing data that describes the stormwater runoff at the site.

2. [Full SWPPP]-Land ~~development~~ [disturbance] activities as defined in ~~Section 240-8A.1~~ of this ~~Article~~ [Chapter] and meeting Condition “A”, “B” or “C” below shall also [be required to prepare and submit a Full SWPPP which includes Basic SWPPP requirements in addition to] ~~include~~ water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in ~~Section 240-8A.2(B)(1)~~ below as applicable:

Condition A - Stormwater runoff from land ~~development~~ [disturbance] activities [directly] discharging a pollutant of concern to either an impaired water identified on the Department’s 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from ~~land~~ [residential]development activities [involving land disturbance] ~~disturbing~~ of five (5) or more acres.

Condition C - Stormwater runoff from [non-residential development involving land disturbance of 0.1 acre or more.]~~land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.~~

3. SWPPP Requirements for Condition A, B and C:

- a. All information in ~~Section 240-8A.2(B)(1)~~ [Section 242-7(B)(1)] of this [Chapter;] ~~local law~~;
- b. Description of each post-construction stormwater management practice;
- c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- e. Comparison of post-development stormwater runoff conditions with pre-development conditions;
- f. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- g. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
- h. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
- i. Inspection and maintenance agreement binding on all subsequent landowners served by the onsite stormwater management measures in accordance with ~~Article 2, Section 4~~ of this [Chapter.] ~~local law~~.
- j. ~~For Condition A~~, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional

preparing the plan, who shall certify that the design of all stormwater management practices met the requirements in this [Chapter.]~~local law~~.

C. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land ~~development~~ [disturbance] activity prior to approval of the final stormwater design plan.

D. Contractor Certification

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land ~~development~~ [disturbance] activity: ~~“I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”~~

“I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System (“SPDES”) general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.”

2. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

3. The certification statement(s) shall become part of the SWPPP ~~for the land development~~ disturbance activity.

E. A copy of the SWPPP shall be retained at the site of the land ~~development~~ [disturbance] activity ~~during construction~~ from the date of initiation of construction activities to the date of final [soil] stabilization.

[Section 242-8] 240-8A.3 Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land ~~development~~ [disturbance] activities shall be subject to the following performance and design criteria:

A. Technical Standards

For the purpose of this ~~local law~~ [Chapter], the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

1. ~~The~~ New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation), 2010, most current version or its successor, hereafter referred to as the Design Manual)
2. New York [State] Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

B. Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in [this Chapter] ~~Article 2, Section 3.1~~ and the SWPPP shall be prepared by a licensed professional.

C. Water Quality Standards

Any land ~~development~~ [disturbance] activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the s[S]tate of New York.

[Section 242-9] 240-8A.4 Maintenance and Repair of Stormwater Facilities

A. Maintenance and Inspection During Construction

1. The applicant or developer of the land ~~development~~ [disturbance] activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this [Chapter] ~~local law~~. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
2. For land ~~development~~ [disturbance] activities as defined in ~~Section 1~~ of this ~~Article~~ [Chapter] and meeting Condition A, B or C in [Section 242-7] ~~Section 2.2.2~~, the applicant shall have a qualified professional conduct site inspection[s] and document the effectiveness of all erosion and sediment control practices every 7 days[.] and within 24 hours of any storm event producing 0.5 inches of precipitation or more. [Soil disturbances five acres or more in size at any one time shall require two site inspections every 7 days.] Inspection reports shall be maintained in a ~~site~~ log book [and be kept on-site along with the approved SWPPP].
3. ~~The applicant or developer or their representative~~ [A trained contractor] shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

B. Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City of Saratoga Springs to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this [Chapter.] ~~local law~~. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the City of Saratoga Springs.

C. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this ~~law~~ [Chapter] shall ~~be~~ ensure that they are] operated and maintained to achieve the goals of this [Chapter.] ~~law~~. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this [Chapter.] ~~law~~.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with [this Chapter.] ~~Article 2, section 3.2.~~

D. Maintenance Agreements

The City of Saratoga Springs shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B[A] of this ~~local law~~ [Chapter] entitled Sample Stormwater Control Facility Maintenance Agreement. The City of Saratoga Springs, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this ~~local law~~ [Chapter] and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

~~240-8A.5 Severability and Effective Date~~

~~A. Severability~~

~~If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.~~

~~Article 3. Subdivision Regulation Amendment~~

~~Article III of the Subdivision Regulations of the City of Saratoga Springs is hereby amended by adding the following to the information requirements:~~

~~Article III, Section 2(B)(1) is amended to include a new subsection (h) to read:~~

~~“h. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 8 A of the Zoning Ordinance shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 8A. The approved Preliminary Subdivision Plat shall be consistent with the provisions of Article 8A.”~~

~~Article III, Section 3(B)(7) is amended to add a new subsection (e) to read:~~

~~“e. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of Article 8A of the Zoning Ordinance and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall~~

~~meet the performance and design criteria and standards in Article 8A. The approved Final Subdivision Plat shall be consistent with the provisions of Article 8A.”~~

~~Article 4. Site Plan Review Regulation Amendment~~

~~Article V, Section 240-5(E) of the Zoning Ordinance entitled “Site Plan Review Formal Submission” is hereby amended by adding new subsection (30) to the information requirements:~~

~~“(30) Article 8A of the Zoning Ordinance. A Stormwater Pollution Prevention Plan consistent with the requirements of Article 8A shall be required for Site Plan Approval. The SWPPP shall meet the performance and design criteria and standards in Article 8A. The approved Site Plan shall be consistent with the provisions of Article 8A.”~~

[242-10] Article 5. Administration and Enforcement

~~Section 1. [A.] Construction Inspection~~

~~1.1 Erosion and Sediment Control Inspection~~

~~The City of Saratoga Springs Stormwater Management Officer may require [conduct] such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the Stormwater Pollution Prevention Plan (SWPPP) as approved. To obtain [schedule] inspections, the applicant shall [must] notify the City of Saratoga Springs enforcement official [Stormwater Management Officer] at least 48 hours [in advance] before any of the following as required by the Stormwater Management Officer:~~

- ~~1.1.1 [a.] Start of construction~~
- ~~1.1.2 [b.] Installation of sediment and erosion control measures~~
- ~~1.1.3 [c.] Completion of site clearing~~
- ~~1.1.4 [d.] Completion of rough grading~~
- ~~1.1.5 [e.] Completion of final grading~~
- ~~1.1.6 [f.] Close of the construction season~~
- ~~1.1.7 [g.] Completion of final landscaping~~
- ~~1.1.8 [h.] Successful establishment of landscaping in public areas.~~

~~If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.~~

~~1.2[.] Stormwater Management Practice Inspections~~

~~The City of Saratoga Springs Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs) [after final construction is completed]. All applicants are required to submit “as built” plans for any stormwater management practices located on-site[.] after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer [verifying all practices have been constructed in conformance with the SWPPP and are operational].~~

~~1.3[.] Inspection of Stormwater Facilities After Project Completion~~

~~Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspect ion of drainage basins or areas identified as higher than typical sources of~~

sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws . Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

1.4[.] Submission of Reports

The City of Saratoga Springs Stormwater Management Officer may require monitoring and reporting from entities subject to this law [Chapter] as are necessary to determine compliance with this law [Chapter].

1.5[.] Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the City of Saratoga Springs the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1. [subsection] 3.

Section 2- [B.] Performance Guarantee

2.1[.] Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development [disturbance] activities related to compliance with all conditions set forth by the City of Saratoga Springs in its approval of the Stormwater Pollution Prevention Plan, the City of Saratoga Springs may require the applicant or developer to provide, prior to construction, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City of Saratoga Springs as the beneficiary. The security shall be in an amount to be determined by City of Saratoga Springs based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the City of Saratoga Springs, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the City of Saratoga Springs. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

2.2[.] Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the City of Saratoga Springs with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Saratoga Springs may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

2.3[.] Recordkeeping

The City of Saratoga Springs may require entities subject to this law to maintain records demonstrating compliance with this [Chapter.] ~~law~~.

Section 3- [C.] Enforcement and Penalties

3.1[.] Notice of Violation.

When the City of Saratoga Springs determines that a land ~~development~~ [disturbance] activity is not being carried out in accordance with the requirements of this ~~local law~~ [Chapter], it may issue a written notice of violation to the landowner. The notice of violation shall contain:

3.1.1 [a.] the name and address of the landowner, developer or applicant;

3.1.2 [b.] the address when available or a description of the building, structure or land upon which the violation is occurring;

3.1.3 [c.] a statement specifying the nature of the violation;

3.1.4 [d.] a description of the remedial measures necessary to bring the land ~~development~~ [disturbance] activity into compliance with this ~~local law~~ [Chapter] and a time schedule for the completion of such remedial action;

3.1.5 [e.] a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

3.1.6 [f.] a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

3.2[.] Stop Work Orders

The City of Saratoga Springs may issue a stop work order for violations of this ~~law~~ [Chapter]. Persons receiving a stop work order shall be required to halt all land ~~development~~ [disturbance] activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the City of Saratoga Springs confirms that the land ~~development~~ [disturbance] activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this [Chapter.] ~~local law~~.

3.3[.] Violations

Any land ~~development~~ [disturbance] activity that is commenced or is conducted contrary to this [Chapter] ~~local law~~, may be restrained by injunction or otherwise abated in a manner provided by law.

3.4[.] Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this ~~local law~~ [Chapter] shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both.

However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this ~~local law~~ [Chapter] shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

3.5[.] Withholding of Certificate of Occupancy

If any building or land ~~development~~ [disturbance] activity is installed or conducted in violation of this ~~local law~~ [Chapter] the Stormwater Management Officer may prevent the occupancy of said building or land.

3.6[.] Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Saratoga Springs may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

~~Section 4. [D.] Fees for Services~~

The City of Saratoga Springs may require any person undertaking land ~~development~~ [disturbance] activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the City of Saratoga Springs or performed by a third party for the City of Saratoga Springs.

~~Section 5. Effective Date.~~

~~This local law shall become effective upon its filing in the office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.~~

Schedule B [A]
SAMPLE STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT

Whereas, the Municipality of _____ ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of _____ together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.

9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

10. This agreement is effective _____.

~~“Article VIII A — Stormwater Control~~

~~240-8A.1~~ [Section 242-11] Definitions

The terms used in this ~~article~~ [Chapter] or in documents prepared or reviewed under this ~~article~~ [Chapter] shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, [and] using land for growing agricultural products, ~~and cutting timber for sale~~, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities. **Applicant** - a property owner or agent of a property owner who has filed an application for a land ~~development~~ [disturbance] activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing- any activity that removes the vegetative surface cover. [This can include, but is not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal.]

Dedication - the deliberate appropriation of property by its owner for general public use, [subject to acceptance by the City].

Department - the New York State Department of Environmental Conservation

Design Manual - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates that serve as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the “New York [State] Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those [impermeable] surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc). [This includes, but is not limited to, paved, concrete and gravel surfaces.]

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating stormwater into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development [Disturbance] Activity- [any] ~~construction~~ activity including clearing, grading, excavating, [filling, demolishing or stock piling that results in] soil disturbance[.] ~~or placement of fill that results in land disturbance of equal to or greater than 0.1 acre, or activities disturbing less than 0.1 acre of total land area that is part of a larger common plan of development or sale, even though~~

~~multiple separate and distinct land development activities may take place at different times on different schedules.~~ [Includes land development activity and construction activity.]

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

[Non-Residential Activities- any activity not included within definition of residential activity (for purposes of establishing SWPPP requirements only).]

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land ~~development~~ [disturbance] activity.

Project - land ~~development~~ [disturbance] activity.

Recharge - the replenishment of underground water reserves.

[Residential Activity- activities related to the development of living quarters for single family, or two family dwelling units (for purposes of establishing SWPPP requirements only).]

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities ~~GP-02-01~~ [GP-0-10-001] (as may be amended or revised) - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate

Stormwater Sewer Systems ~~GP-02-02~~ [GP-0-10-002] (as may be amended or revised) - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - rainwater, surface runoff, snowmelt and drainage.

Stormwater Hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer designated by the municipality to accept and review Stormwater Pollution Prevention Plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

SECTION 11. Appendix A246 of the City Code, entitled “Board of Appeals Rules”, is hereby deleted in its entirety.

SECTION 12. Appendix A247 of the City Code, entitled “Subdivision Regulations” is amended so as to renumber it as Chapter 241, and to read (new material in brackets, old material lined through):

[Chapter 241]
Subdivision Regulations

ARTICLE 1 – GENERAL PURPOSE



**User
Guide:**

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

§ 1. Authority and Jurisdiction

- A. The Planning Board of the City of Saratoga Springs has been established in accordance with Chapter 21 of the Consolidated Laws, Article 3, Laws of 1926, Chapter 690, amended by laws of 1929, Chapter 605; 1938, Chapter 205; 1944, Chapter 185.
- B. The City Council, by Ordinance passed May 17, 1946, did delegate to the Planning Board the authority to adopt rules and regulations with respect to procedure before it[.] ~~and in respect to any subject matter over which it has jurisdiction under such Ordinance, including, but not limited to, the subdivision of land within the corporate limits of the City of Saratoga Springs, New York.~~

- C. The City Council, in accord with Article 3, Section 32 of NYS General City Law, authorizes and empowers the City of Saratoga Springs Planning Board to approve preliminary and final subdivision plats. Such authority includes administrative actions of the Planning Board and /or Planning Board Chairperson.

[D. Enforcement of these regulations shall lie with the same officer charged with the duty of enforcing the City's Zoning Ordinance.]

§ 2. Purpose and Policy

A. These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the residents of the City of Saratoga Springs, hereinafter referred to as the "City".
2. To guide the future growth and *development* of the City of Saratoga Springs in accordance with the *City's Comprehensive Plan*.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the City of Saratoga Springs and to encourage the orderly and beneficial *development* of the community through appropriate *growth management* techniques assuring the timing and sequencing of *development*, promotion of infill *development* in existing *neighborhoods* and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban *development*.
5. To protect and conserve the value of land throughout the City of Saratoga Springs and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City of Saratoga Springs, having particular regard to the avoidance of congestion in the *streets* and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings,



User Guide:

- Applicants are encouraged to thoroughly review the "Purposes and Policies" prior to initiating design as these will ultimately form the basis for decisions regarding subdivision

and to provide for the proper location and width of *streets* and building lines.

8. To establish reasonable standards of design and procedures for *subdivisions* and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and “monumenting” of subdivided land.
9. To ensure that *public services* are available concurrent with *development* and will have a sufficient capacity to serve the proposed *subdivision* and that the *City* will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the *development* provides its fair share of capital facilities needs generated by the *development*.
10. To prevent the pollution of air, *streams*, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City of Saratoga Springs in order to preserve the integrity, stability, and beauty of the *City* and the value of the land.
11. To preserve the natural beauty and topography of the City of Saratoga Springs and to ensure appropriate *development* with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average *density* in providing for minimum width and area of *lots*, while preserving the *density* of *development* as established in the *zoning ordinance* of the City of Saratoga Springs.
13. To ensure that land is subdivided only when *subdivision* is necessary to provide for uses of land for which market demand exists and which area in the public interest.
14. To remedy the problems associated with inappropriately subdivided lands, including premature *subdivision*, excess *subdivision*, partial or incomplete *subdivision*, scattered and low-grade *subdivision*.



**User
Guide:**

- B. It is declared to be the policy of the City of Saratoga Springs to consider land *subdivision plats* as part of a plan for the orderly, efficient and economical *development* of the *City*. This shall be interpreted to include the following objectives, which will guide the Planning Board’s decisions.
1. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
 2. Proper provision shall be made for water supply, sewerage, drainage and other needed public improvements and utilities.
 3. Proposed *streets* shall compose a convenient system

conforming to the *City's Comprehensive Plan*, and/or *Official Map* as they may be adopted.

4. *Streets* shall be of such width, grade and location as to accommodate present and prospective traffic.
5. All *development* shall be so situated on the *lot* to assure that there is provision for adequate light and air for occupants.
6. All *development* shall facilitate adequate fire protection and provide *access* for fire fighting equipment.
7. Open space for parks and playgrounds shall be shown on the *subdivision plat* where appropriate.
8. In case any of these regulations shall conflict or be inconsistent with any provision of the General City Law, the relevant provisions of the General City Law shall apply.

§ 3. Short Title

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

§ 4. **Definitions.** For the purpose of these regulations, the following words and terms shall have the meanings indicated:

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

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

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

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

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

BOARD: Means the Planning Board of the City of Saratoga Springs as established in accord with the codes of the City of Saratoga



User Guide:

- To assist readers of the regulations, the words or phrases defined are italicized throughout the regulations.
- Buffer areas can be useful tools in providing

Springs or any person authorized by the Planning Board to act as its representative.

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

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

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

CLUSTER: A *development* design technique that concentrates buildings and structures on a limited area of a parcel to allow the remaining parcel area to be permanently left as open space.

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

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

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

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

CONSERVATION SUBDIVISION: A pattern of *development* that places housing units on those portions of a property most suitable for *development*, while leaving substantial portions as



**User
Guide:**

- Applicants are encouraged to review the City's Comprehensive Plan prior to filing a subdivision application. The Comprehensive

undeveloped open space. Such subdivisions may include a variety of *lot* sizes, ranging from large farms or estate *lots* to *lots* similar in size to those found in hamlet or village settings.

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

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

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

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

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

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

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



User
Guide:

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

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

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

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

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

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

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

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

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



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

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

INCLUSIONARY ZONING: Regulations in the zoning ordinance focused on the provision of housing units affordable to individuals and families of specified income ranges.

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

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

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

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



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Guide:**

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

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

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

MONUMENT: A boundary or *survey* marker.

NEIGHBORHOOD: An area of the *City* with characteristics that distinguish it from other areas of the *City*. These include, but are not limited to, distinct architectural characteristics, historical destinations, unique features of physical design, schools or social clubs, or boundaries as defined by built physical barriers such as *roadways* or natural features such as waterways or unique concentrations of flora or fauna.

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

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

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

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

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

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

PERFORMANCE BOND: An obligation in writing, under seal, issued by a Surety Company, satisfactory to the *City*, binding the obligator to pay a sum of money to the *City* if the obligor fails to satisfactorily install and/or maintain improvements as required



User
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under Section 33 of the General City Law, including escrow agreement and other similar collateral or surety agreements.

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

PRE-CONSTRUCTION: Any *construction* begun prior to approval of a *subdivision* or issuance of a building permit. Excavation for site investigations, and customary agricultural activity are to be exempt.

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

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

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

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

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

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



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ROAD: See “*street*”.

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

RURAL ROAD: A vehicular way that may be existing or shown on a *plat* that may incorporate the elements of a *street* except for curbs, gutters and sidewalks and exists within areas with a low intensity of *development*.

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

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

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

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

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES

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

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

STREET: Means a way for vehicular traffic, whether designated as a *street*, arterial, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, land, cul—de-sac, place or however otherwise designated, including the entire area within the *right-of-way*, which is an existing maintained state, county or city



User Guide:

- The six classifications of streets are listed and illustrated

roadway, or a *street* or way shown upon a *plat* heretofore approved by official action and includes the land between the *street* lines whether improved or unimproved and may comprise pavements, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the *street* lines. For purposes of these Regulations, *streets* shall be classified by the *City's* Engineering Standards and are described in Appendix G.

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

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

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

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

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

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

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

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



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

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

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

ARTICLE II – APPLICATION AND REVIEW PROCEDURES



User Guide:

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

§ 1. Procedures for Review of a Conventional Subdivision

A. General Procedures:

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

B. *Sketch Plan* Review:

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

representative, shall attend the meeting of the *Board* to discuss the requirements of these Regulations for *street* improvements, grading, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Discussion of the *sketch plan* shall conclude with a recommendation to proceed with a *preliminary*, or *final subdivision plat* application or to modify the *sketch plan* for further discussion before proceeding to the next application step.

4. Except for unusual circumstances the *applicant* will be limited to two (2) pre-application discussions before the *Board*.

C. *Preliminary Subdivision Application Procedure:*

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



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

6. A *preliminary subdivision plat* shall not be considered for a decision until a negative declaration has been filed or until a notice of a complete *DEIS* has been filed in accordance with *SEQRA*. The time periods for review of such a *preliminary subdivision plat* shall begin upon the date of filing of such a negative declaration or notice of completeness.

7. Coordination with *SEQRA*

a. Planning Board as lead agency under *SEQRA*;

(1.) The public hearing timeframe within which the *Board* shall hold a public hearing on the *preliminary subdivision plat* shall be coordinated with any hearings the *Board* may schedule in accord with *SEQRA*.

(a.) If the *Board* determines that preparation of a *DEIS* is not required, the public hearing on the *preliminary subdivision plat* shall be held within sixty-two (62) days of the official submittal date.

(b.) If the *Board* determines that preparation of a *DEIS* is required, and a public hearing on the *DEIS* is held, the public hearing on the *preliminary subdivision plat* and the *DEIS* shall be held jointly within sixty-two (62) days after the filing of the notice of completion of the *DEIS* in accordance with the provisions of *SEQRA*. If no public hearing is held on the *DEIS*, the public hearing on the *preliminary subdivision plat* shall be held within sixty-two (62) days of the filing of the notice of completion of the *DEIS*.

(2.) Public hearing notice;

~~(a.) The applicant shall pay for and cause notice of the time and place for any required hearings of such application in the form prescribed by the Board to be printed in a newspaper of general circulation in the City of Saratoga Springs once a day for three (3) successive days upon which the publication is regularly issued, the first publication of which shall be a Friday at least ten (10) but not more than twenty (20) days before the hearing.~~

[The Planning Board shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for



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

filing with the Planning Board an affidavit from the newspaper confirming such publication and payment.]

The prescribed form is in Appendix B of these regulations. ~~An affidavit of the publisher of the newspaper in which, such notice is printed, or the principal clerk of such publisher, showing such publication shall be filed with the Board before the time of such hearing.~~

~~(b.) At least seven (7) days but not more than twenty (20) days, before the date of the hearing the applicant shall mail a copy of the legal notice, return receipt requested to property owners within two hundred and fifty feet (250') of the edges of the property to be subdivided.~~

~~(c.) The name and address of property owners shall be identified from the latest tax maps and records on file in the City Assessor's Office. Prior to the time of the hearing, the applicant must file with the Clerk of the Board a Certificate of Mailing from the Post Office that notice was sent to all property owners.~~

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

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

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

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

e. Failure to provide notice in exact conformance with these provisions shall not invalidate a Planning Board determination provided the Planning Board finds that substantial compliance has occurred and the public has



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been fairly apprised of the fundamental character of the proposed action.]

- (3.) Public hearing length; the hearing on the *preliminary subdivision plat* shall be closed upon motion of the Board within one hundred twenty (120) days after it has been opened, unless additional time is granted by the applicant.
- b. Planning Board not as lead agency under *SEQRA*;
 - (1.) Public hearing timeframe; the *Board* shall, with the agreement of the lead agency, hold the public hearing on the *preliminary subdivision plat* jointly with the lead agency's hearing on the *DEIS*. Failing such agreement or if no public hearing is held on the *DEIS*, the *Board* shall hold the public hearing on the *preliminary subdivision plat* within sixty-two (62) days of the official submittal date.
 - (2.) Public hearing notice;
 - (a.) ~~The applicant shall pay for and cause notice of the time and place for any required hearings of such application in the form prescribed by the Board to be printed in a newspaper of general circulation in the City of Saratoga Springs once a day for three (3) successive days upon which the publication is regularly issued, the first publication of which shall be a Friday at least ten (10) but not more than twenty (20) days before the hearing. The prescribed form is in Appendix B of these regulations. An affidavit of the publisher of the newspaper in which, such notice is printed, or the principal clerk of such publisher, showing such publication shall be filed with the Board before the time of such hearing.~~
 - (b.) ~~At least seven (7) days but not more than twenty (20) days, before the date of the hearing the applicant shall mail a copy of the legal notice, return receipt requested to property owners within two hundred and fifty feet (250') of the edges of the property to be subdivided.~~
 - (c.) ~~The name and address of property owners shall be identified from the latest tax maps and records on file in the City Assessor's Office. Prior to the time of the hearing, the applicant must file with the Clerk of the Board a Certificate of Mailing from the Post Office that notice was sent to all property~~

~~owners.~~

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

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

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

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

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

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

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

8. County Planning Agency Review

- a. When a *preliminary subdivision plat* is not required, and prior to taking action on such a *final subdivision plat* application of real property as specified in Section 239-m of the General Municipal Law, the *Board* shall make



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referrals to the County Planning Agency or, in the absence of such agency, to a metropolitan or regional agency having jurisdiction in accordance with Section 239-l and m of the General Municipal Law.

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



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plat.

- b. If an environmental impact statement is required, the *Board* shall make its own findings and its decision on the *preliminary subdivision plat* within sixty-two (62) days after the close of the public hearing on the *preliminary subdivision plat* or within thirty (30) days of the adoption of the findings by the lead agency, whichever period is longer.

11. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the *Board*. When approving a *preliminary subdivision plat*, the *Board* shall state in writing any modifications it deems necessary for submission in the application of the *final subdivision plat*. When denying a *preliminary subdivision plat*, the *Board* shall relate the reasons for denial to Article 1, Section 2, the Purpose and Policy section of these regulations.

12. Certification and filing of the *preliminary subdivision plat*. Within five (5) business days of the adoption of the decision granting approval of the *preliminary subdivision plat*, such *plat* with modifications, if any, as specified by the *Board* shall be certified by the Clerk of the *Board* as having granted *preliminary plat approval* and a copy of the *plat* and decision shall be filed in the City Planning Office in City Hall.

13. Revocation of approval on *preliminary subdivision plat*. ~~Within twelve (12) months of the date of approval of the *preliminary subdivision plat* the owner must submit the *plat* for *final subdivision* consideration. If an application for *final subdivision plat* approval is not submitted within twelve (12) months of the date of approval of the *preliminary subdivision plat*, the approving decision is revoked. [Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.]~~



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- At the discretion of the applicant, an application for subdivision may be initiated at the final stage.
- It is advisable

D. Final Subdivision Application Procedure

1. An application for *final subdivision plat approval* is required for the lawful division of a tract or parcel of land. Applications for *final subdivision* are accepted under the following circumstances:
 - a. The *Owner* has opted to begin the subdivision process with submission of a final application;
 - b. The *owner* has applied for and received approval of a *preliminary subdivision plat*.

2. Such *final plat* shall be clearly marked "*Final Plat*" and shall contain the form prescribed in Appendix C. The *final plat* shall, in all respects, comply with:
 - a. The requirements of Article III, Section 3, as set forth in these Regulations;
 - b. The conditions, if any, as specified in the approving decision for the *preliminary subdivision plat*.
3. Fees: *Applicants* for *final subdivision plat* approval shall submit a fee as established by resolution of the City Council.
4. Number of Copies: *Applicants* for *final subdivision plat* approval shall file twelve (12) complete copies of a *preliminary subdivision plat* application to the City Planning Office in City Hall on behalf of the *Board* at least twenty-one (21) days prior to a regular meeting of the *Board*. In order to be complete an application must contain the items listed in on the Completeness Checklist in Appendix E. The Chairperson of the *Board* or his designated staff has the right to reject any application submitted if it fails to meet the minimum submittal requirements.
5. *Applicant's* Attendance at Planning Board Meeting: Once determined to be complete, the filed application will be placed on the agenda of the *Board*. The *applicant*, or his duly authorized representative, shall attend the meeting of the *Board* to discuss the *final subdivision plat*.
6. Official Submittal Date: The official time of submission of the *final subdivision plat* shall be the date of determination relating to the SEQRA assessment as made by the Board.
7. When a *preliminary subdivision plat* is not required, a *final subdivision plat* shall not be considered for a decision until a negative declaration has been filed or until a notice of a complete *DEIS* has been filed in accordance with *SEQRA*. The time periods for review of such a *final subdivision plat* shall begin upon the date of filing of such a negative declaration or notice of completeness.
8. *Final subdivision plats*, deemed by the *Board* not to be in substantial agreement with *preliminary subdivision plats* approved pursuant to Article II, Section 1, Paragraph C., or, when a *preliminary subdivision plat* application is not submitted, the following shall apply:
 - a. Coordination with *SEQRA* and compliance with Article 8 of the NYS Environmental Conservation Rules and Regulations Title 6 of the NYCRR.
 - (1.) Planning Board as lead agency under *SEQRA*;
 - (a.) The public hearing timeframe within which the *Board* shall hold a public hearing on the *final*



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subdivision plat shall be coordinated with any hearings the *Board* may schedule in accord with *SEQRA*.

- (b.) If the *Board* determines that preparation of a *DEIS* is not required, the public hearing on the *final subdivision plat* shall be held within sixty-two (62) days of the official submittal date.
- (c.) If the *Board* determines that preparation of a *DEIS* is required, and a public hearing on the *DEIS* is held, the public hearing on the *final subdivision plat* and the *DEIS* shall be held jointly within sixty-two (62) days after the filing of the notice of completion of the *DEIS* in accordance with the provisions of *SEQRA*. If no public hearing is held on the *DEIS*, the public hearing on the *final subdivision plat* shall be held within sixty-two (62) days of the filing of the notice of completion.
- (d.) Public hearing notice;
 - i. ~~The applicant shall pay for and cause notice of the time and place for any required hearings of such application in the form prescribed by the Board to be printed in a newspaper of general circulation in the City of Saratoga Springs once a day for three (3) successive days upon which the publication is regularly issued, the first publication of which shall be a Friday at least ten (10) but not more than twenty (20) days before the hearing. The prescribed form is in Appendix B of these regulations. An affidavit of the publisher of the newspaper in which, such notice is printed, or the principal clerk of such publisher, showing such publication shall be filed with the Board before the time of such hearing.~~
 - ii. ~~At least seven (7) days but not more than twenty (20) days, before the date of the hearing the applicant shall mail a copy of the legal notice, return receipt requested to property owners within two hundred and fifty feet (250') of the edges of the property to be subdivided.~~
 - iii. ~~The name and address of property owners shall be identified from the latest tax maps and records on file in the City Assessor's Office. Prior to the time of the hearing, the applicant~~



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~~must file with the Clerk of the Board a Certificate of Mailing from the Post Office that notice was sent to all property owners.~~

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

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

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

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

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

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

(e.) Public hearing length; the hearing on the *final subdivision plat* shall be closed upon motion of the *Board* within one hundred twenty (120) days after it has been opened.

(2.) Planning Board not as lead agency under *SEQRA*;

(a.) Public hearing timeframe. The *Board* shall, with the agreement of the lead agency, hold the public hearing on the *final subdivision plat* jointly with the lead agency's hearing on the *DEIS*. Failing such agreement or if no public hearing is held on the *DEIS*, the *Board* shall hold the public hearing on the *final subdivision plat* within sixty-two (62) days of the official submittal date.

(b.) Public hearing notice.

- i. ~~The *applicant* shall pay for and cause notice of the time and place for any required hearings of such application in the form prescribed by the *Board* to be printed in a newspaper of general circulation in the City of Saratoga Springs once a day, for three (3) successive days upon which the publication is regularly issued, the first publication of which shall be a Friday at least ten (10) but not more than twenty (20) days before the hearing. The prescribed form is in Appendix B of these regulations. An affidavit of the publisher of the newspaper in which, such notice is printed, or the principal clerk of such publisher, showing such publication shall be filed with the *Board* before the time of such hearing.~~
- ii. ~~At least seven (7) days but not more than twenty (20) days, before the date of the hearing the *applicant* shall mail a copy of the legal notice, return receipt requested to property owners within two hundred and fifty feet (250') of the edges of the property to be subdivided.~~
- iii. ~~The name and address of property owners shall be identified from the latest tax maps and records on file in the City Assessor's Office. Prior to the time of the hearing, the *applicant* must file with the Clerk of the *Board* a Certificate of Mailing from the Post Office that notice was sent to all property owners.~~
- iv. ~~The *Board* shall mail notices of the hearing to the parties and to the Regional State Park Commission having jurisdiction over any state park or parkways within five hundred (500) feet of the property affected by such application, at least five (5) days prior to the hearing.~~



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- [i. The Planning Board shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Planning Board an affidavit from the newspaper confirming such publication and payment.
- ii. The applicant shall obtain from the City the names and addresses of property owners within a 250 foot geographic radius from the applicant's subject property boundary.
- iii. The applicant shall receive from the Planning Board a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but not more than 20 calendar days prior to the scheduled hearing.
- iv. Prior to the public hearing, the applicant shall submit to the Planning Board confirmation of the property owner notification by obtaining a "certificate of mailing" from the U.S. Postal Service.
- v. Failure to provide notice in exact conformance with these provisions shall not invalidate a Planning Board determination provided the Planning Board finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed action.]

(c.) Public hearing length. The hearing on the *final subdivision plat* shall be closed upon motion of the *Board* within one hundred twenty (120) days after it has been opened.

9. County Planning Agency Review

- a. When a *preliminary subdivision plat* is not required, and prior to taking action on such a *final subdivision plat* application of real property as specified in Section 239-m of the General Municipal Law, the *Board* shall make referrals to the County Planning Agency or, in the absence of such agency, to a metropolitan or regional agency having jurisdiction in accordance with Section 239-1 and m of the General Municipal Law.
- b. If within thirty (30) days after receipt of a full statement of such referred matter, the County Planning Agency to



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

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



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12. Approval of *final subdivision plat* in phases. In granting conditional or *final approval* of a *final subdivision plat*, the *Board* may permit the *plat* to be developed in two or more phases and may in its decision granting conditional or *final approval* state that such requirements as it deems necessary to insure the orderly *development* of the *plat* be completed before said phases may be signed by the Chairperson of the *Board*. Conditional or *final approval* of the phases of a *final subdivision plat* may be granted concurrently with conditional or *final approval* of the entire *plat*, subject to any requirements imposed by the *Board*.
13. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the *Board*. When denying a *final subdivision plat*, the Board shall relate the reasons for denial to Article 1, Section 2, the Purpose and Policy section of these regulations.
14. Certification and filing of the *final subdivision plat*.
 - a. No vested rights shall accrue to any *plat* by reason of *preliminary* or *final plat approval* until the actual signing of the *plat* by the Chairperson of the *Board*. All requirements, conditions, or regulations adopted by the *Board* applicable to the *final subdivision plat* or on all *subdivisions* generally shall be deemed a condition for signature of the *final subdivision plat* by the Chairperson of the *Board*.
 - b. The following requirements shall be met prior to filing of the *final subdivision plat* with County Clerk:
 - (1.) Before the *plat* is signed by the Chairperson of the *Board*, the *applicant* shall be required to complete, in accord with the *Board's* decision, all conditions and contingencies of the approval including, but not limited to, incorporating any design changes, obtaining all required permits and approval from other agencies, posting financial securities, payment of fees and providing all necessary technical specifications.
 - (2.) The *applicant* shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the City of Saratoga Springs in the sum not less than ten thousand (\$10,000) dollars, which sum shall be determined by the *City* attorney before signing of the *final subdivision plat*.
 - (a.) Signature of the following statement:



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

By: _____

Owner or authorized representative

Date: _____

- (b.) The *final subdivision plat* shall be accompanied by all formal irrevocable offers of dedication to the public of all *streets*, local government uses, utilities, parks, and *easements*, in a form approved by the *City Attorney*; and the *subdivision plat* shall be marked with a notation indicating the formal offers of dedication as follows:
- (3.) Within five (5) business days of the adoption of the decision granting approval of the *final subdivision plat*, such *plat* with modifications, if any, as specified by the *Board* shall be certified by the Chairperson as having granted conditional or *final approval* and a copy of the *plat* and decision shall be filed in the City Planning Office and the *City Clerk*. A copy of the decision shall be mailed to the *applicant*. In the case of a conditionally approved *plat*, the approving decision shall include a statement of requirements which when completed will authorize the signature of the *plat*. Upon completion of the specified requirements the *plat* shall be signed and a copy of the signed *plat* shall be filed with the City's Planning Office.
- (4.) Two (2) reproducible mylars and two (2) paper prints of the *subdivision plat* shall be filed by the *applicant* with the City's Planning Office. Each *plat* shall have each of the following statements:

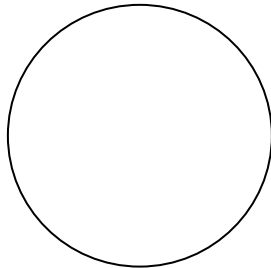


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DESIGN CERTIFICATION

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



Stamp and sign to the
left

Approval

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

_____,
Chairperson

Dated: _____

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

15. [Duration of approval of final plat.

Approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements

stated in such resolution have been certified as completed. The planning board may extend for periods of ninety days each the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances.]

~~The original *Board* authorization shall expire if not enacted within twelve (12) months. Upon an application by the developer, the *Board* may grant an extension of this time requirement. The application fee for a request to extend shall conform to the fee as established by resolution of the City Council. The *Board* may only grant a time extension upon the determination of what the *Board*, at its sole discretion, finds to be extraordinary conditions.~~

16. Default approval of *preliminary* or *final subdivision plat*. The time periods prescribed herein within which the *Board* must take action on a *preliminary subdivision plat* or a *final subdivision plat* are specifically intended to provide the *Board* and the public adequate time for review and to minimize delays the processing of *subdivision* applications. Such periods may be extended only by mutual consent of the *owner* and the *Board*. In the event that *final approval* is rendered by reason of the failure of the *Board* to act, the *applicant* may request from the *City Clerk* a certificate setting forth the date of submission of the *final plat* and the failure of the *Board* to approve or disapprove said *plat*. This certificate shall permit the *applicant* to file the *final subdivision plat* with the *County Clerk*, in the absence of signature by the Chairperson of the *Board*.

17. ~~Duration of conditional approval of *final plat*. Conditional approval of the *final plat* shall expire within twelve (12) months after the decision granting such approval unless all requirements stated in such decision have been certified as completed. The *Board* may grant an extension if, in the *Board's* opinion, such extension is warranted by the particular circumstances.~~

[Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The planning board may extend for periods of ninety days each the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances.]

18. Filing of *final subdivision plat*; the *owner* shall file in the Office of the *County Clerk* the approved *final subdivision plat*



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or the approved phase of such *plat* within sixty-two (62) days from the date of *final approval* or the approval shall expire as provided in Article 3, Section 32 of General City Law. The following shall constitute *final approval*: the signature of the Chairperson or duly authorized officer of the *Board*; or the certificate from the *City Clerk's Office* as to the date of the submission of the *final subdivision plat* and the failure of the *Board* to take action within the time herein provided.

19. No building permits or certificates of occupancy shall be issued for the project until *final subdivision plat* approval has been given, the *plat* properly signed, the *plat* recorded with the County Clerk, any and all *financial security* are in place, and any and all other conditions of approval have been met.

~~E. Expiration: Unless an extension is granted by the *Board*, approval on any *subdivision* shall expire if the *applicant* fails to close on a sale of a single building *lot* within the *subdivision* within three (3) years of the filing date of the approved *plat* plan with the Saratoga County Clerk. The *applicant* may apply to the *Planning Board* for an extension of the expiration date of the original subdivision approval. The *Planning Board* may grant the extension only if the determination of the *Board*, in its sole discretion, finds that the reason for the extension is based upon extraordinary conditions or conditions that are largely beyond the *applicant's* control.~~



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§ 2. Procedures for Review of a Conservation Subdivision

A. Review Process

1. The *conservation subdivision* review process may involve the following two steps with an optional *sketch plan* review:
 - a. *Preliminary subdivision plat* review
 - b. *Final subdivision plat* review
2. An *applicant* may request a *sketch plan* discussion with the *Board* prior to the *applicant* making any formal *subdivision* submission.
 - a. The submission of a *sketch plan* is an option available to the *applicant*. It is a pre-application procedure. The *applicant* may exercise this option for a pre-application discussion for the purpose of seeking advice and direction.
 - b. During the *sketch plan* discussion the *applicant* and the *Board* may discuss the possible requirements of the project in relation to standards for *street* improvements,

grading, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.

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



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ARTICLE III – SUBMISSION REQUIREMENTS FOR SUBDIVISION



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

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

§ 1. Submission Requirements for a Sketch Plan Application

A. The *sketch plan* submittal should include:

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

§ 2. Submission Requirements for a Preliminary Subdivision Plat Application

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

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

1. *Preliminary plat*. Drawn accurately to an acceptable scale not smaller than fifty feet (50') to one inch (1"). The highlights of items to be submitted are as follows. A



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- A preliminary application checklist is provided in Appendix E. This is useful in the assembly of a complete application .

- The final subdivision stage is the last step before a final decision by the Board. If approved, sufficient detail must be provided to allow for filing

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checklist of submission requirements is in Appendix D.

- a. The name and address of the *owner* or *owners* of land to be subdivided and any professionals assisting in the application
 - b. The date of the map, approximate true north point, scale and title of the *subdivision*.
 - c. An illustrative plan for *lot* and *street* layout indicating plans for connections to existing streets.
 - d. An illustrative plan for wastewater disposal and handling stormwater runoff
 - e. Present zoning information.
 - f. *Watercourses*, marshes, rock outcrops, floodplains and *wetlands*, and other important land features.
 - g. A concept plan for recreation park or playground use, or other public or private reservation, or a statement of intent to contribute cash-in-lieu of recreation land in accordance with the fee schedule in Appendix A.
 - h. [A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements within City Code 200-A shall be required for Preliminary Subdivision Plat Approval.]
2. The location of relevant natural features such as water courses or rock outcroppings.
 3. All sheets shall be 24" x 36" in size. When more than one sheet is required, all shall be the same size, each sheet shall be numbered in sequence.
 4. Completed Environmental Assessment Form, as required by *SEQRA* regulations.
 5. Further Requirements: More detailed information may be required by the *Board* as a part of the *preliminary submission* in special cases.

§ 3. Submission Requirements for a Final Subdivision Plat Application

- A. Completed *subdivision* application form, receipt for payment of required application fee, and twelve (12) copies of the proposed *subdivision plat* and the supporting documents.
- B. At a minimum the *final subdivision plat* applications submitted shall include:
 1. The *applicant* shall submit a *final subdivision plat*, to a scale not smaller than fifty feet (50') to one inch (1"). The *final*



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

subdivision plat shall contain the same information, except for any changes or additions required by decision of the *Board*, as shown on the *preliminary plat*. The *preliminary plat* may be used as the *final subdivision plat* if it meets the applicable requirements and is revised in accordance with the *Board's* decision. All revision dates must be shown. The highlights of items to be submitted are as follows. A detailed checklist of submission requirements is in Appendix E.

- a. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the *Board* in accordance with these regulations.
 - b. Indications of compliance with requirements of the State Department of Health and/or State Department of Environmental Conservation.
 - c. Standards of accuracy of elevations meeting City of Saratoga Springs requirements shall be noted on the map.
2. Plan/Profile of each *street* and utility *easement*, with an acceptable horizontal scale not to exceed fifty feet (50') to one inch (1") and vertical scale of five feet (5') to one inch (1") showing the following:
 - a. All pavement, storm drains, sanitary sewers, gas lines and waterlines with appurtenances.
 - b. Pavement and utility stationing including all horizontal and vertical control points and grades.
 3. Signature and seal of a professional engineer and/or a land surveyor, both registered in New York State, or a qualified land *surveyor* under Section 7208 paragraph (n) of the Education Law.
 4. A North arrow.
 5. Standard title block.
 6. *Final plat*, and plan/profiles shall show all facilities, which the *subdivision* standards require. All lettering shall be neat and legible. All sheets shall be 24" x 36" in size. When more than one (1) layout sheet is required all shall be the same size, each sheet shall be numbered in sequence and an index sheet of the same size shall be provided showing the entire *subdivision* to an appropriate scale.
 7. In addition to the required drawings, the following documents shall be submitted as a part of the *final submission*.
 - a. An estimate of *construction* costs for the purpose of establishing a *financial security* to cover the full cost of all required improvements or a statement by the appropriate *City Representative* certifying that all improvements have



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

§ 4. Submission Requirements for a Conservation Subdivision Application

- A. The *sketch plan* submitted need not be based upon surveyed data, but it should contain the following information:
 - 1. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within two hundred and fifty feet (250’) of the property.
 - 2. The tax map sheet, block and *lot* numbers, as available from the *City Assessor’s Office*.
 - 3. Information regarding all known restrictions on the use of land including *easements*, covenants or zoning district classification.
 - 4. A sketch showing the approximate area of the project that might constitute *constrained lands* (*wetlands*, floodplains, steep slopes, etc) and the area that might be classified as developable lands.

5. A concept plan to indicate what utilities would be available to service this *subdivision*.
6. An estimate of the number of *lots* and/or *units* that might be accommodated within the projects.

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

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

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

1. All the materials required for approval as provided in Article III, Section 3, of the *Subdivision Regulations*, unless waived by the *Board*.
2. Proposed *conservation easement(s)* for the protection of permanent open space land.
3. A clustered lot layout.
4. A final land-management plan for the permanent open space areas, to be incorporated into the *conservation easement* and made enforceable by the *City*.
5. Evidence of compliance with all *Board* requirements for any of the rural design and siting guidelines in Article IV-1D.
6. All drawings must have a statement that they are for construction and not just development approval.
7. Other submission requirements as specified by the *Board*.



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

ARTICLE IV - CONSERVATION SUBDIVISION REGULATIONS



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

§ 1. General Regulations

A. Purpose and Applicability:

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

design flexibility than *conventional subdivisions*. *Conservation subdivisions* must satisfy the standards in Sections 1, Paragraphs B, C, and D. The procedure for approving *conservation subdivisions* is described in Article II, Section 2. Graphics in these regulations are included for illustrative purposes.

B. Standards for *Conservation Subdivisions*:

1. *Density Calculation*: The maximum density allowed for residential *units* is calculated by a formula based upon the acreage of “*unconstrained land*” on the property.
 - a. To determine unconstrained acreage, subtract from the total or gross acreage of the proposed *development* parcel, the acreage of *constrained land*.
 - b. To determine the number of allowable residential *units* or “*base density*” on the site, divide the unconstrained acreage by the allowable number of acres per *unit* required within the zoning district. Round down fractional *units* of 0.5 or less and round up fractional *units* greater than 0.5. Figure IV.1a through Figure IV.1c illustrates a *density* calculation on a site in a hypothetical *conservation subdivision* in an RR-1 District.

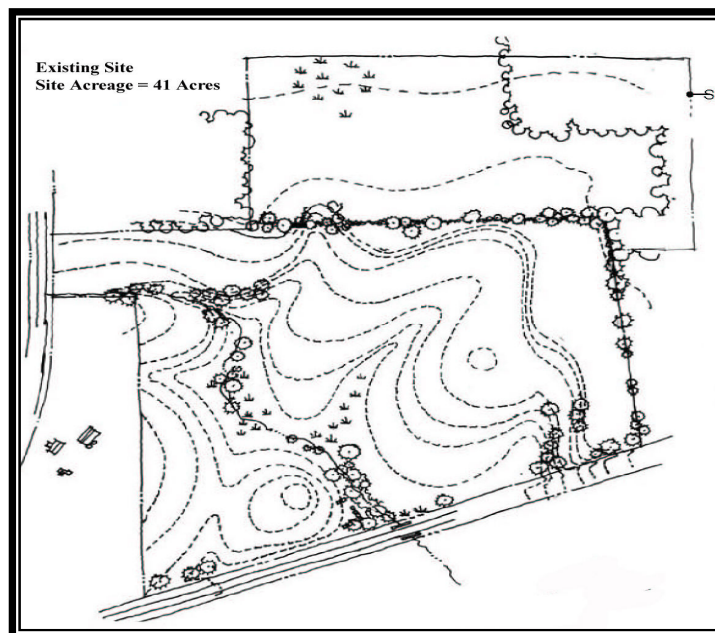


Figure IV.1a Existing Conditions Site

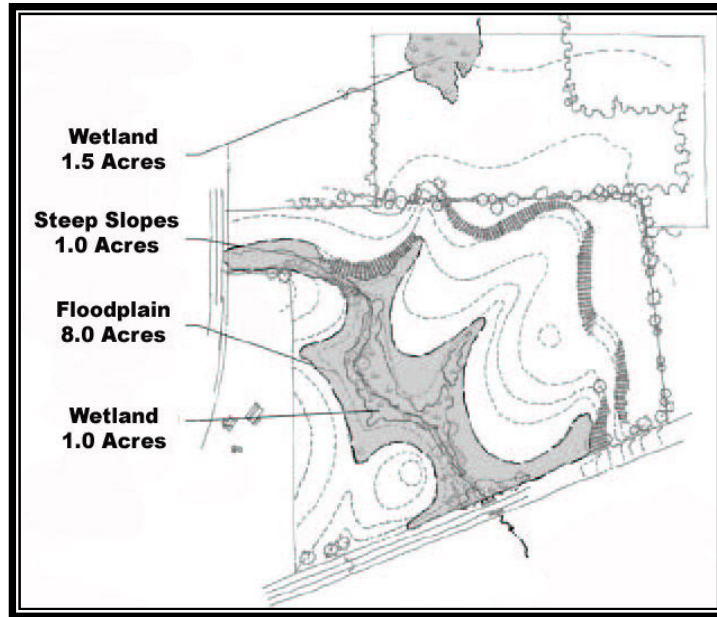


Figure IV.1b Constrained Land

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

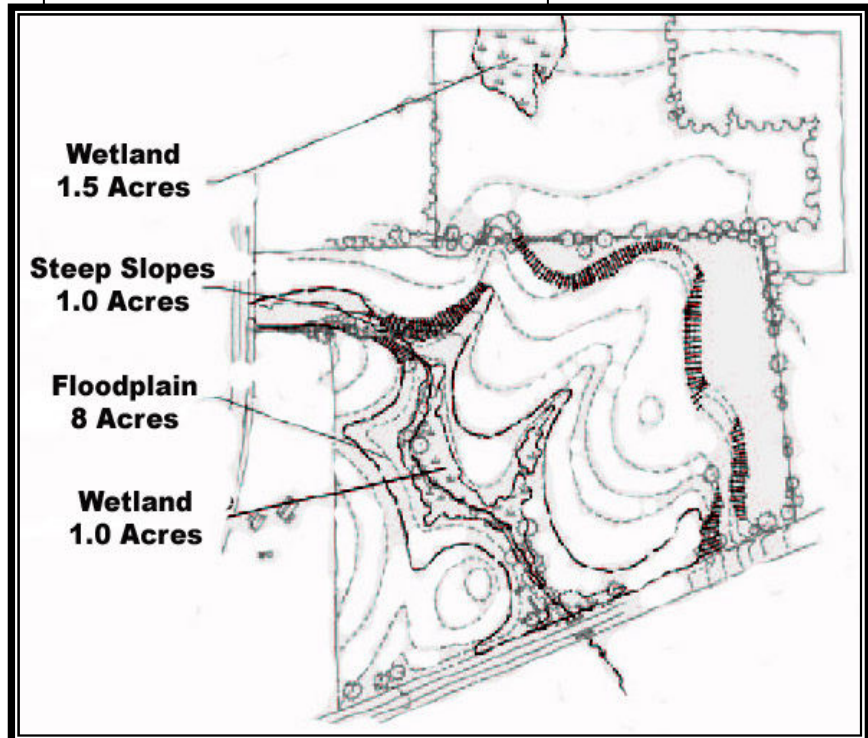
Total Site Acreage: 41.0 Acres

Constrained Acreage

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

Unconstrained Acreage
30.5 Acres

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



C.

The base *density* in Paragraph B.1.b. may be increased by up to twenty percent (20%) at the sole discretion of the *Board* if permanent public access will be granted to the protected open space land and any associated improvements as described in Article IV, Section 1, Paragraph C.

- d. The *density* permitted by this section shall not be reduced as a result of the conservation analysis required in Article IV, Section 1, Paragraph B.2. below, or as a result of the reservation of *parkland* during the *subdivision* process.

2. Conservation Analysis:

- a. As part of a *preliminary subdivision plat* application procedure (see Article II, Section 1, Paragraph C), an *applicant* shall prepare a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. See Conservation Analysis Checklist in Appendix F. The conservation analysis shall show lands with conservation value, including but not limited to the following:

- (1.) *Constrained land*;
- (2.) Open space and recreational resources described in the *City's Open Space Plan*;
- (3.) *Buffers* to provide an area for installation of *screening* to obscure and enhance the view of new *development* from adjoining parcels;
- (4.) Land exhibiting present or potential recreational,

historic, ecological, agricultural, water resource, scenic
or other natural resource value.

- b. The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site. In the course of its initial *preliminary subdivision plat* review, the *Board* shall indicate to the *applicant* which of the lands identified as being of conservation value are most important to preserve.

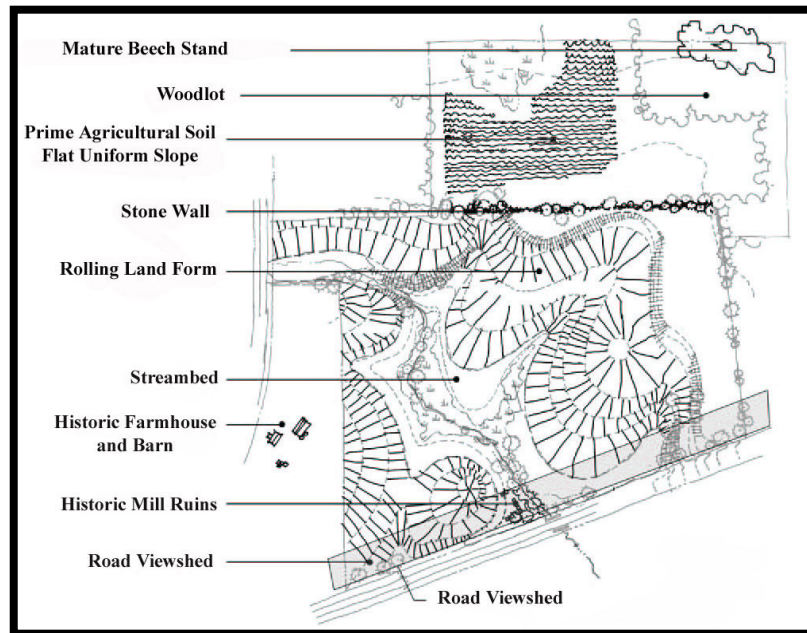


*Figure IV.2a Conservation Analysis:
Inventory Map (see also Figure 4.1b)*

- c. The outcome of the conservation analysis and the *Board's* determination shall be incorporated into the approved *preliminary subdivision plat* (see Article II,

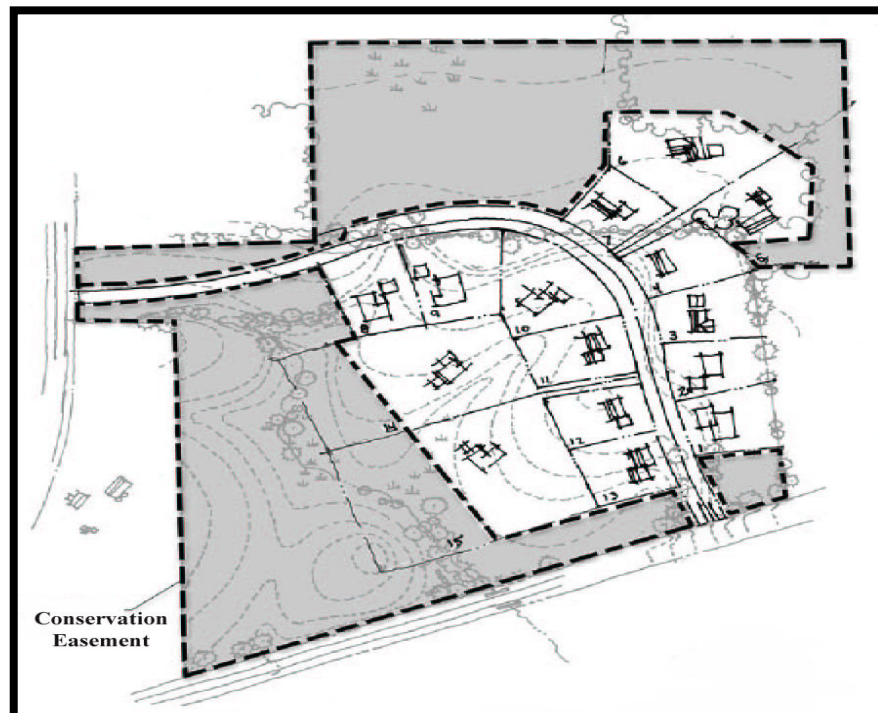


Figure IV.2b Conservation Analysis: Sample

Section 2, Paragraph A.3.) showing land to be permanently preserved by a *conservation easement*. The *preliminary subdivision plat* shall also show preferred locations for intensive *development* as well as acceptable locations for less dense *development*.

- d. The Board shall make the final determination as to which land has the most conservation value and should be protected from development by conservation easement. Whenever the *Board* approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the “conservation findings”). The *Board* shall deny an application that does not include a complete conservation analysis sufficient for the *Board* to make its conservation findings.
- e. The *preliminary subdivision plat* shall show the following as land to be preserved by *conservation easement*:
 - (1.) An amount of land no smaller than the total amount of *constrained land* identified in the analysis in Article IV, Section 1, Paragraph B.2. ; and
 - (2.) In the RR-1 District, at least fifty percent (50%) of the land not preserved in Article IV, Section 1, Paragraph B.2. In the SR-1 District at least thirty-five percent (35%) of the land not preserved in Article IV, Section 1., Paragraph B.2.
- f. If, based upon the conservation analysis, the *Board* determines in its conservation findings that there is no reasonable basis for requiring a *conservation subdivision*; the *Board* may approve a conventional *development* of the site. In order for the *Board* to make such a determination, the *applicant* must demonstrate at least one of the following:
 - (1.) The land contains no substantial resources with conservation value; or
 - (2.) The acreage is too small to preserve a substantial amount of land with conservation value (this criterion shall not be evaded by piecemeal *subdivision* of larger tracts); or
 - (3.) The *lot* configuration is unique and precludes preservation of a substantial amount of land with conservation value; or



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- (4.) That there are extraordinary circumstances unique to the parcel that demonstrates that *conventional subdivision* is in the best interest of the adjacent *neighborhoods*.
 - g. In order to make the required showing under b. or c. above, the *applicant* must also demonstrate that the parcel does not adjoin other land that, when combined with open space on the parcel, would result in the preservation of a substantial amount of land with conservation value (including any portion of a designated trail corridor), regardless of whether or not the adjoining parcels have been protected as open space.
 - h. An approval of a *conventional subdivision* shall refer to the conservation findings and may be conditioned upon the protection by *conservation easement* of portions of the site identified in the conservation analysis and findings as having conservation value.
3. Types of *Development* in a *Conservation subdivision*. The allowable residential *units* may be developed as single-family or two-family residences. Within a *conservation subdivision*, a maximum of twenty-five percent (25%) of the *units* may be placed in structures containing two *units*.
4. *Lot Sizes in Conservation Subdivisions*. There shall be no minimum *lot* size in a *conservation subdivision*. The *Board* shall determine appropriate *lot* sizes in the course of its review of a *conservation subdivision* based upon the purposes and design criteria established in this Article. In order to permit a *clustered lot* configuration, wells and septic systems may be located in areas of protected open space, provided that necessary *easements* are provided for maintenance of these facilities.
5. Other Area and Dimensional Requirements
 - a. There shall be no required area, bulk, or dimensional standards in a *conservation subdivision*, except that where such *subdivision* abuts an existing residence in a residentially zoned area, a suitable *buffer* area with suitable *screening* shall be required by the *Board*. This *buffer* shall be at least the same distance as the minimum rear or side yard setback in the district in which the abutting land is located.
 - b. The *applicant* shall specify dimensional requirements for a proposed *conservation subdivision* by identifying setbacks and other *lot* dimensions to be incorporated into the *final subdivision plat*.
6. *Conservation subdivision* of a portion of larger tract. The



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Board may entertain an application to develop a portion of a parcel if a conservation analysis is provided for the entire parcel and the approval to develop a portion of the parcel is not a basis for the *applicant* or successor in interest to subsequently request an exception under Article IV, Section 1, Paragraph B.2. for the remainder of the parcel.

7. *Conservation subdivision* design guidelines. *Lots* shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. The *lot* layout shall to the extent feasible comply with the design guidelines in Article IV, Section 1, Paragraph D. Permitted building locations or areas (“building envelopes”) shall be shown on the *final subdivision plat*.

C. Permanent Open Space. Open space set aside in a *conservation subdivision* shall be permanently preserved as required by this Section. Any *development* permitted on land located in a *conservation subdivision* that is not protected as open space shall not compromise the conservation value of such open space land.

1. Conservation Value of Open Space. The open space protected pursuant to this Section must have “conservation value,” which shall be determined in the course of the conservation analysis in Article IV, Section 1, Paragraph B.2.
2. Permanent Preservation by *Conservation Easement*
 - a. A perpetual *conservation easement* restricting *development* of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the *City*, with the approval of the City Council, and/or to a qualified not-for-profit conservation organization acceptable to the *Board*. Such *conservation easement* shall be approved by the *Board* and shall be required as a condition of *final subdivision plat* approval. The *Board* shall require that the *conservation easement* be enforceable by the *City* if the *City* is not the holder of the *conservation easement*. The *conservation easement* shall be recorded in the County Clerk’s Office prior to or simultaneously with the filing of the *final subdivision plat* in the County Clerk’s Office.
 - b. The *conservation easement* shall prohibit residential,



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industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation), and shall not be amendable to permit such use. *Access roads*, driveways, wells, underground sewage disposal facilities, local utility distribution lines, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures shall be permitted on preserved open space land with *Board* approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

- c. A land management plan, approved by the *Board*, shall be included in the *conservation easement*. The *conservation easement* shall provide that if the City Council finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the *City* may, upon thirty (30) days written notice to the *owner*, enter the premises for necessary maintenance, and that the cost of such maintenance by the *City* shall be assessed against the landowner or, in the case of an homeowner's association (HOA), the *owners* of properties within the *development*, and shall, if unpaid, become a tax lien on such property or properties.
- d. Preserved open space may be included as a portion of one or more large *lots*, or may be contained in a separate open space *lot*. The *conservation easement* may allow dwellings to be constructed on portions of *lots* that include preserved open space land, provided that the total number of dwellings permitted by the *conservation easement* in the entire *subdivision* is consistent with applicable *density* limitations of this Article.

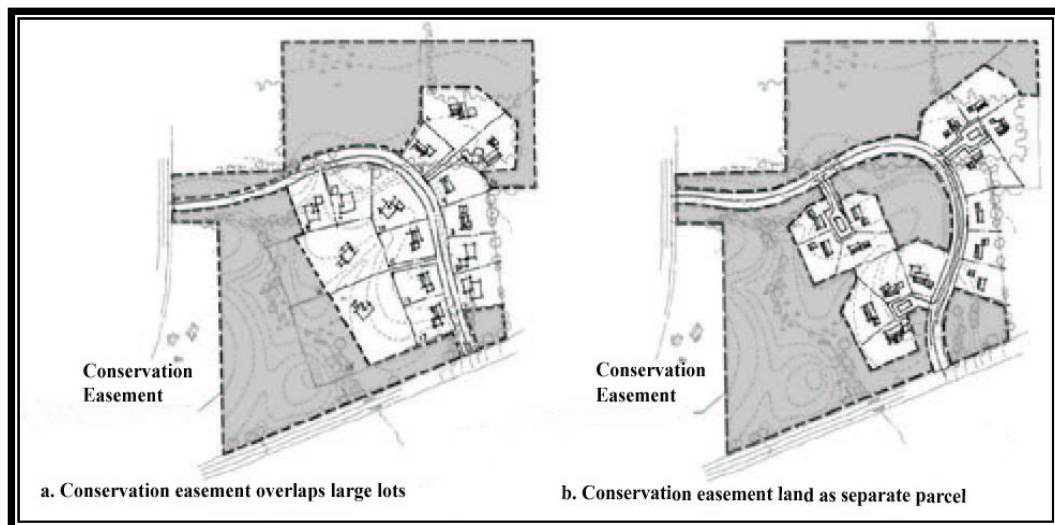


Figure IV.3 Conservation Easement Alternative

3. Notations on *final subdivision plat*. Preserved open space land shall be clearly delineated and labeled on the *subdivision final plat* as to its use, ownership, management, method of preservation, and the rights, if any, of the *owners* of *lots* in the *subdivision* and the public to the open space land. The *final plat* shall clearly show that the open space land is permanently preserved for conservation purposes by a *conservation easement* required by this Section, and shall include deed recording information in the County Clerk's office for the *conservation easement*.
4. Ownership of Open Space Land
 - a. Open space land shall under all circumstances be protected by a perpetual *conservation easement*, but may be owned in common by a HOA, offered for dedication to *City*, County, or State governments, transferred to a non-profit organization acceptable to the *Board*, held in private ownership, or held in such other form of ownership as the *Board* finds appropriate to properly manage the open space land and to protect its conservation value.
 - b. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
 - (1.) The HOA must be established before the approved *subdivision final plat* is signed, and must comply with all applicable provisions of the General Business Law.
 - (2.) Membership must be mandatory for each *lot owner*, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private *roads*, and other common facilities.
 - (3.) The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private *roads*.
 - (4.) Property *owners* must pay their pro rate share of the costs in Article IV, Section 1, Paragraph C. 4., and the assessment levied by the HOA must be able to become a lien on the property.



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- (5.) The HOA must be able to adjust the assessment to meet changed needs.
- (6.) The *applicant* shall make a conditional offer of dedication to the *City*, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the *City*, at the discretion of the City Council, upon the failure of the HOA to take title to the open space from the *applicant* or other current *owner*, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
- (7.) Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual *owners* in the HOA and the dwelling *units* they each own.
- (8.) The *City* Attorney's Office shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (g) above, and such other conditions as the *Board* shall deem necessary.

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



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

shallow bedrock or seasonal flooding. The character and diversity of the natural landform should be reflected in grading to accommodate *development*.

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

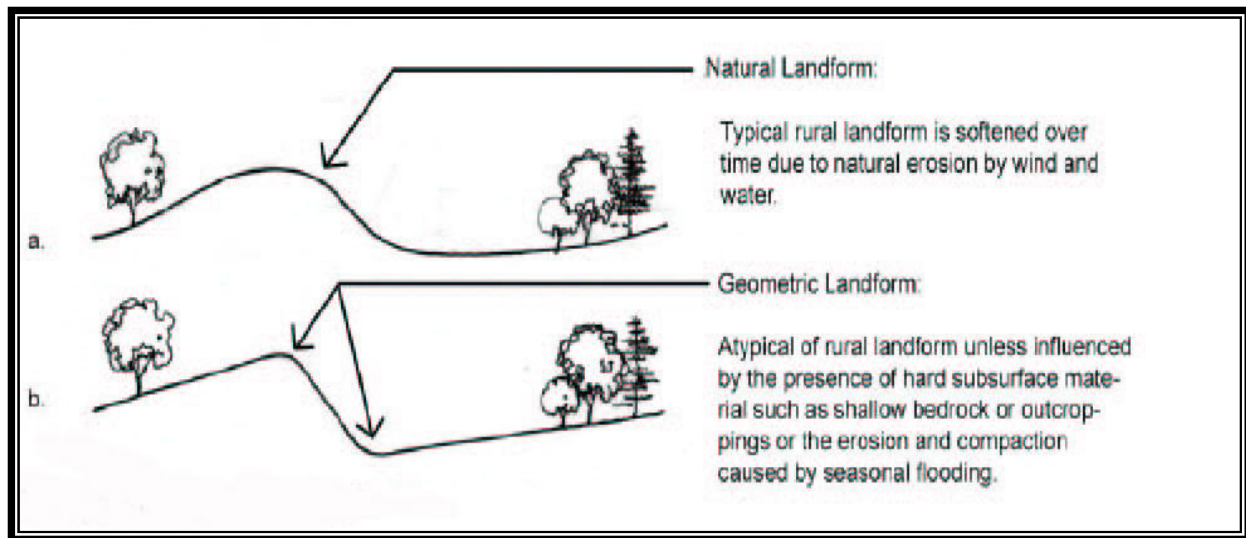


Figure IV.4 Landform Character

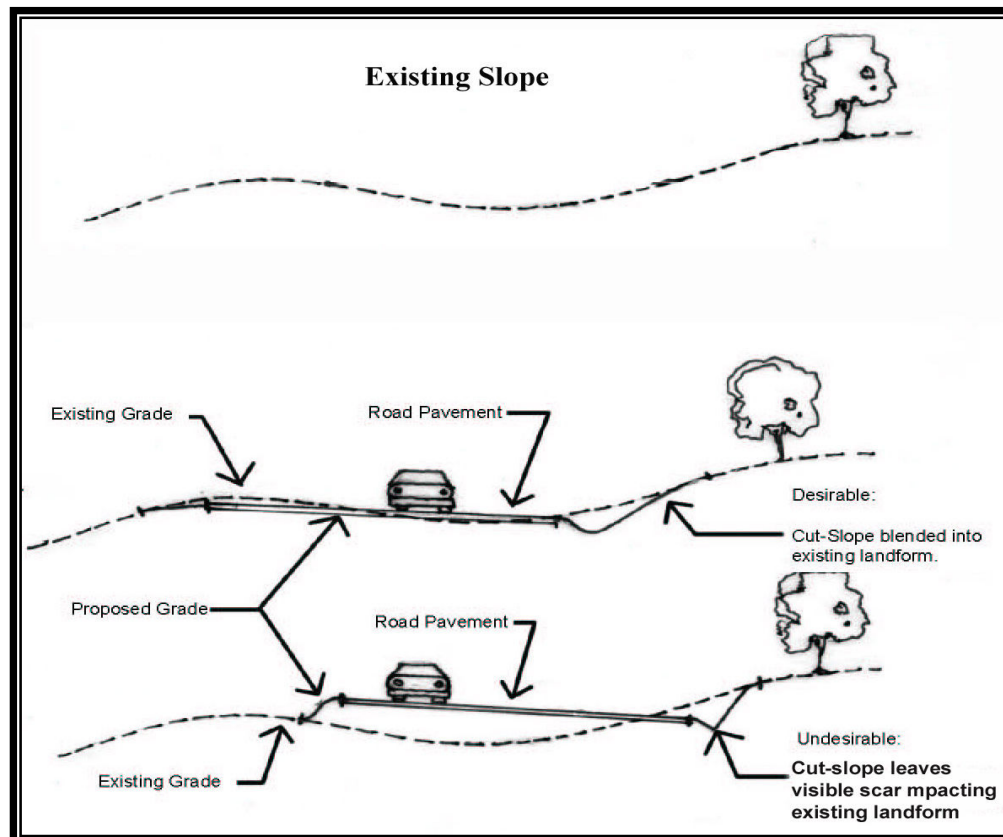


Figure VI.5 Blending Grading Into Existing

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

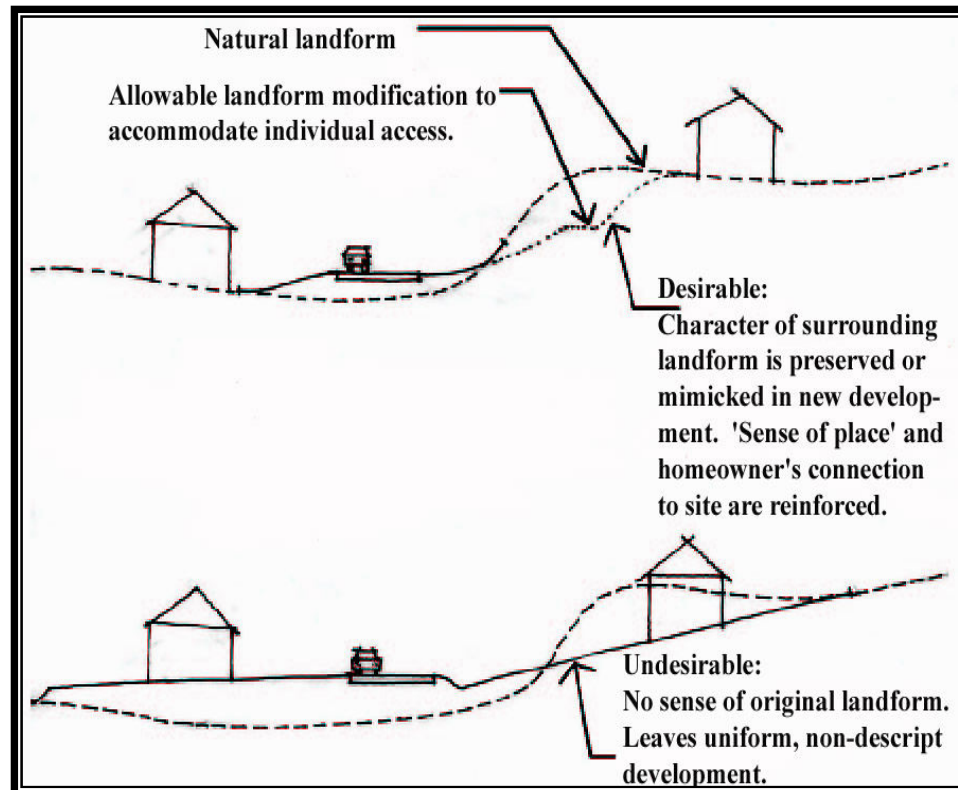


Figure IV.6 Landform

- b. Vegetation. Vegetation encompasses review of varying plant forms and their relationship to *development* and its mass on the landscape. In addition to the benefits plants offer the ecological system (soil stabilization, clean air, wildlife habitat) their presence or absence, how they are configured or arranged, and their species has a significant influence on *development* character. Every effort should be made to:

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

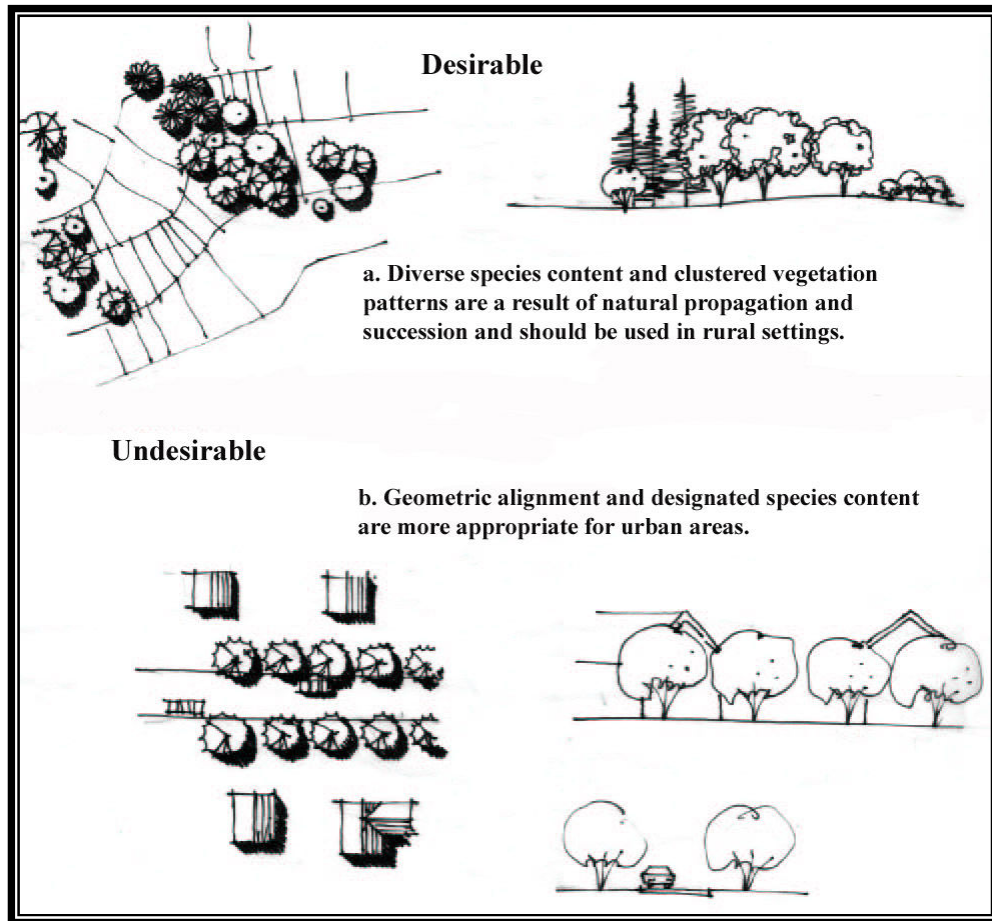


Figure IV.7 Vegetation Types and

- (4.) In the rural environment vegetation, not structures, is the primary determinant of how far we can see and where we look.
- (5.) Use existing vegetation and topography to screen new buildings if possible.

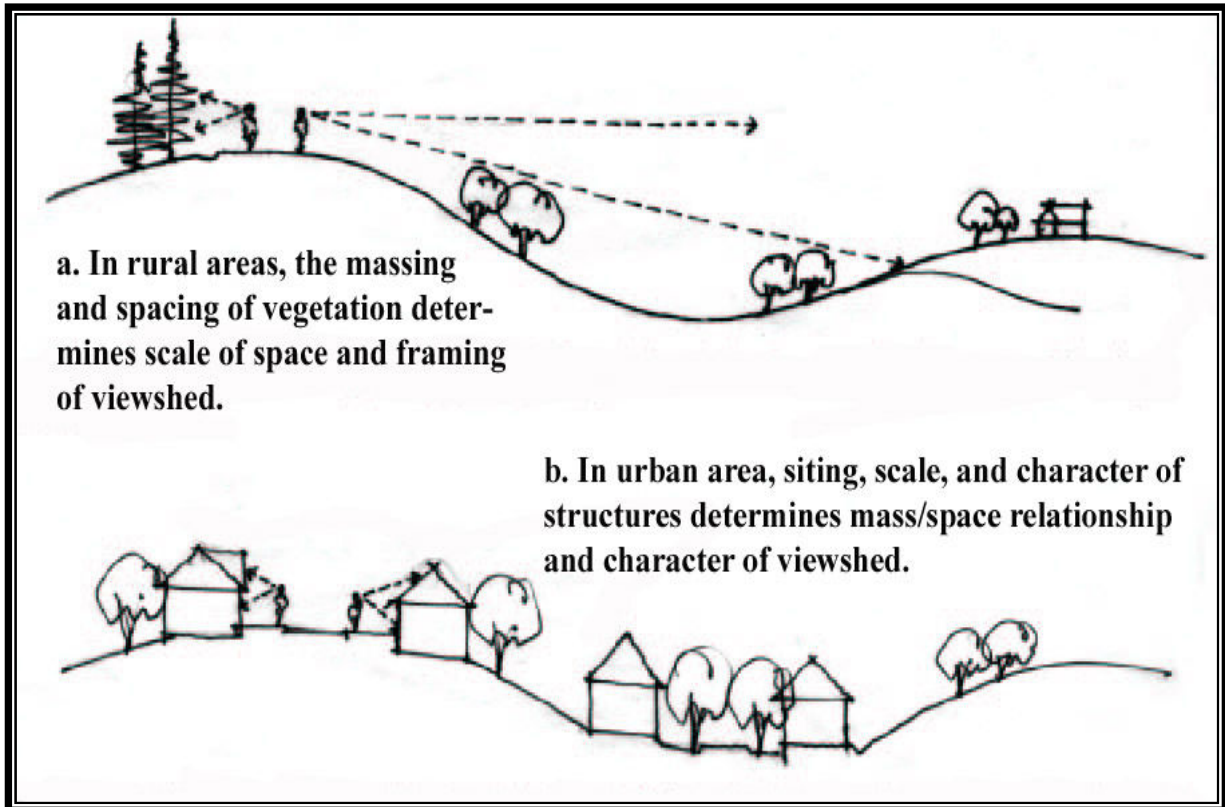


Figure IV.8 Framing Views

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

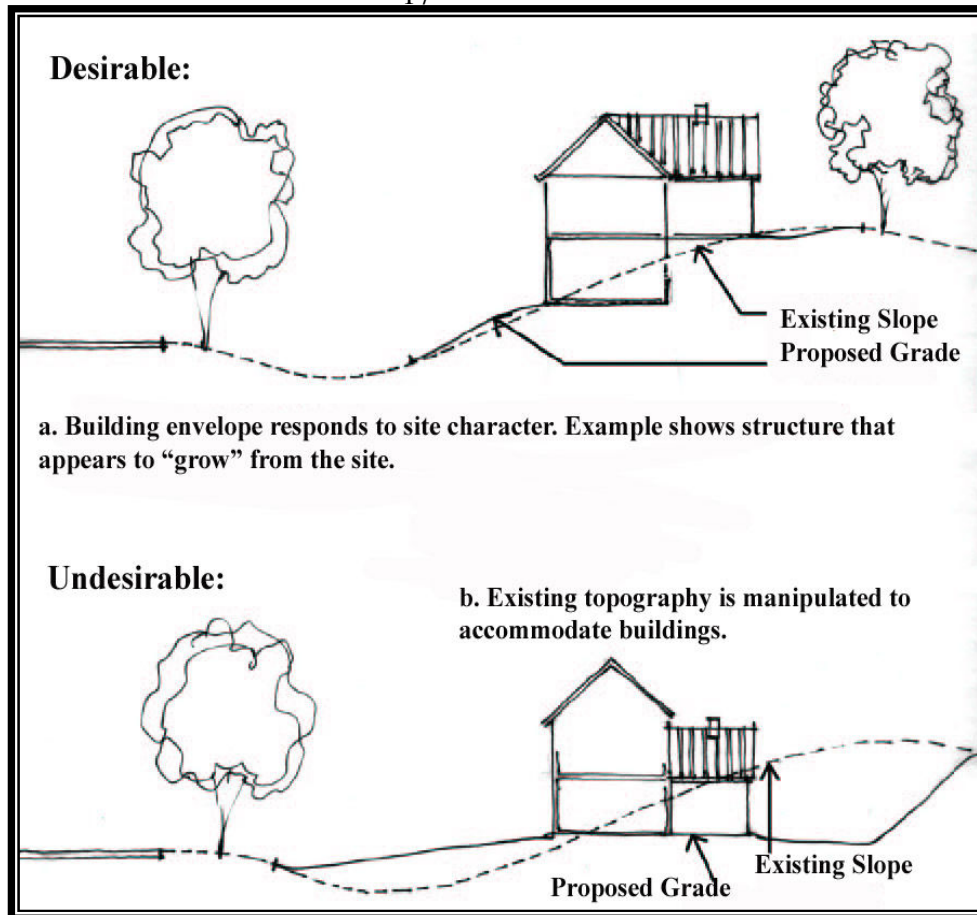


Figure IV.9 Siting of Structures

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

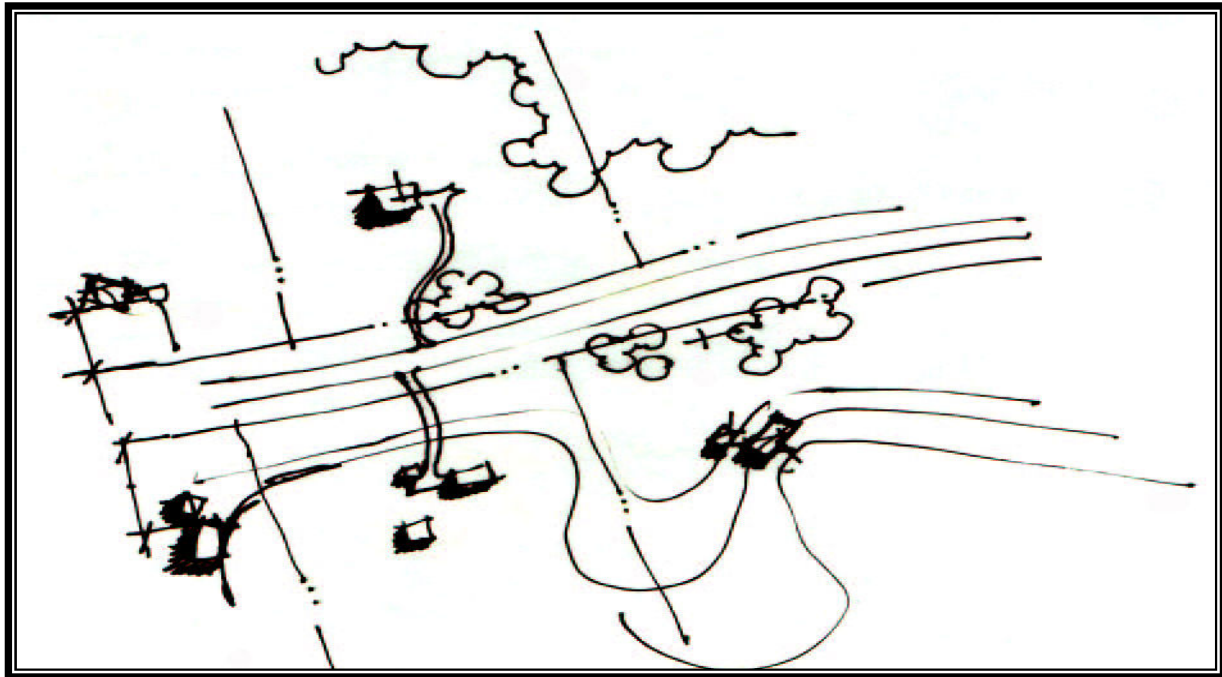


Figure IV.10 Rural Road with Varied Setbacks

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

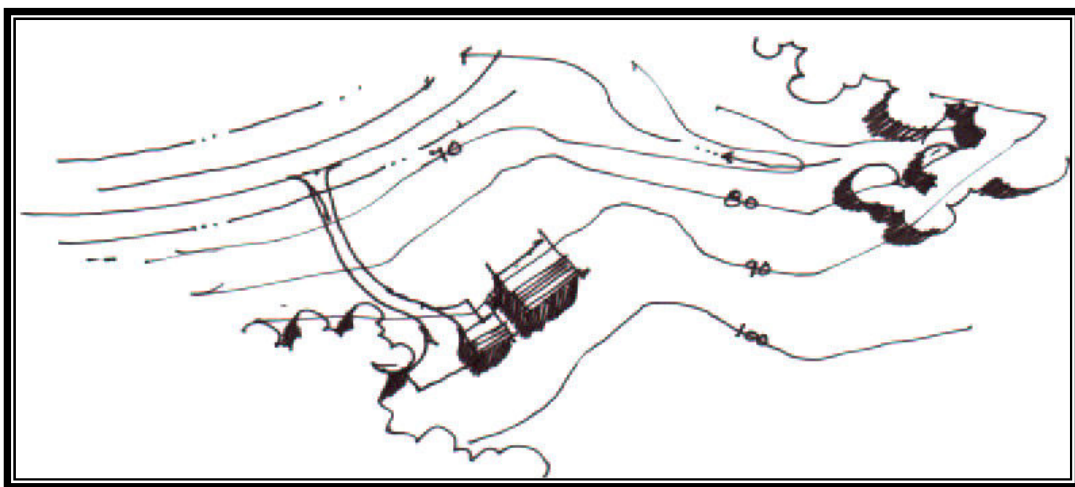


Figure IV.11 Orient Structures to Align with Topographic Character of Land

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

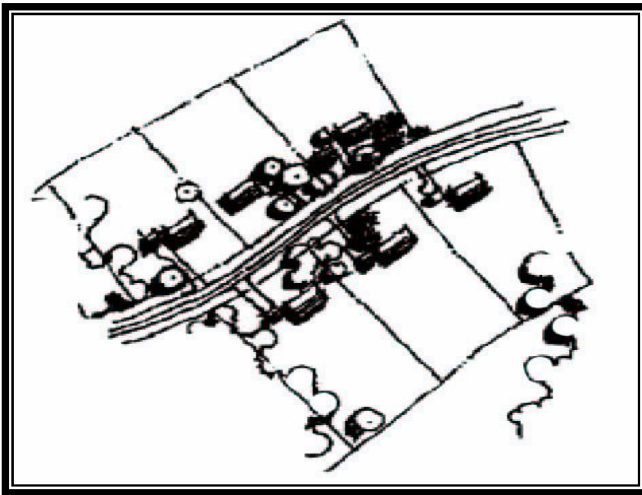


Figure IV.12a Neighborhood Cluster

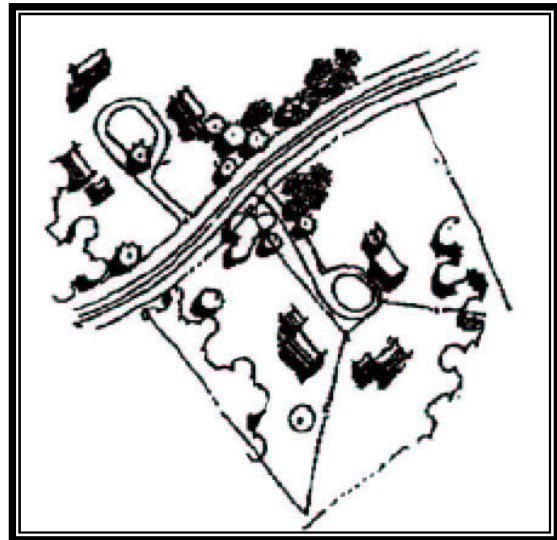


Figure IV.12b Hamlet Cluster

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

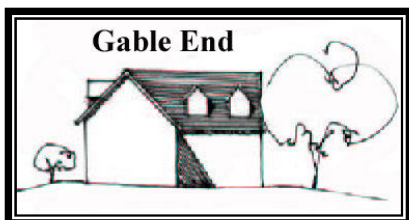
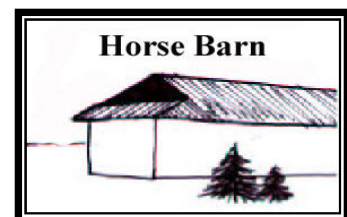


Figure IV.13 Roof



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

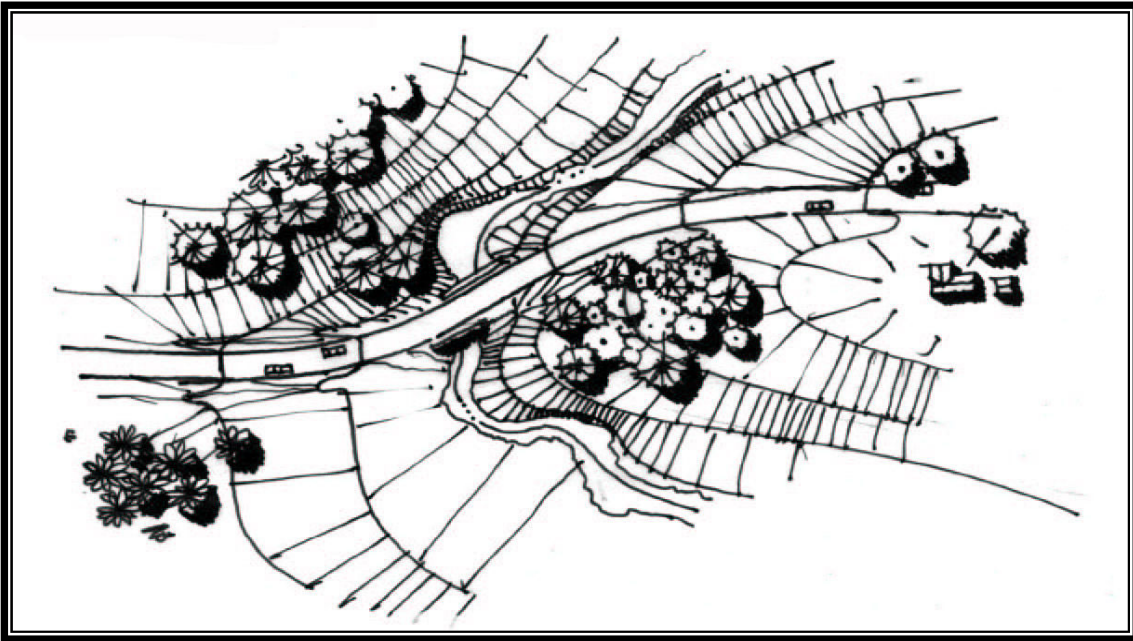


Figure IV.14 Curvilinear road alignments are created by following the line of least topographic

- (1.) Whenever possible *roads* (and the resultant *lot* layout) should be planned and designed so the site's cultural and environmental features are preserved and enhanced.
- (2.) Vehicular and pedestrian circulation systems should retain and reuse historic farm *roads* and *lanes*. This guideline allows a *development* to build upon the

site's historic context while minimizing clearing and disruption of the landscape. Care should be taken to apply this guideline only where its implementation would not destroy the historic lanes, hedgerows and stonewalls it was meant to preserve.

- (3.) Otherwise, vehicular and pedestrian circulation systems should be arranged to reflect the patterns of the site landform, vegetation, water bodies and vegetation massing.

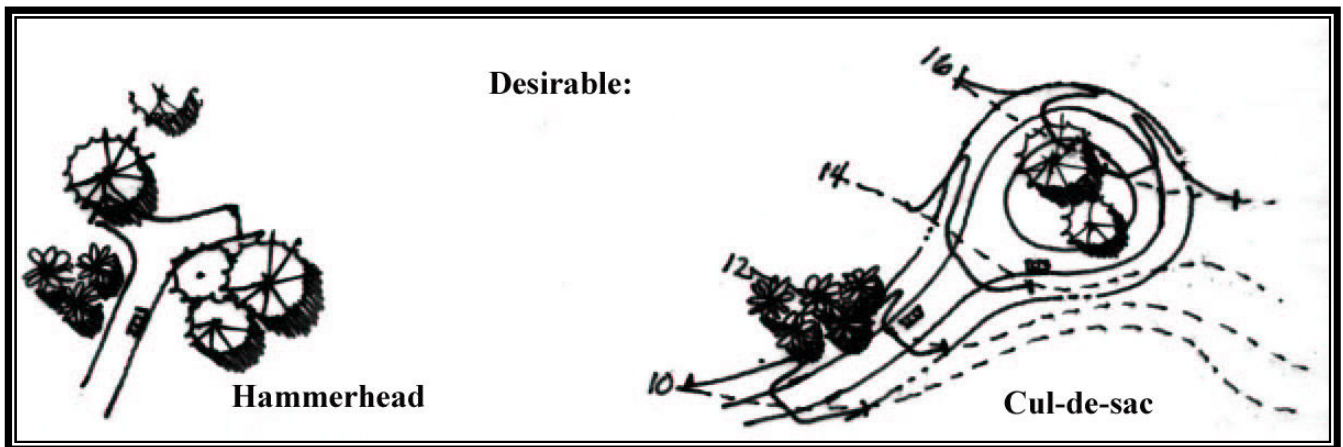


Figure IV.15a Subdivision Roads: Form responds to and enhances natural rural character. Features such as streams, vegetation and landform are incorporated into

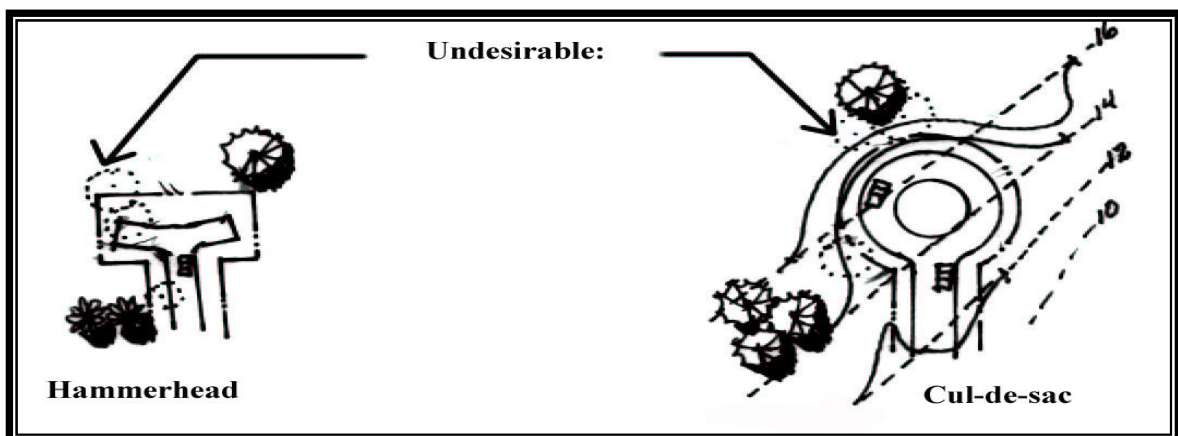


Figure IV.15b Subdivision Roads: Design using arbitrary geometric forms that require the removal of existing vegetation and dramatic



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

§ 2. Cluster Development

A.Applicability. *Clustering* provisions are limited to the UR-1 and SR-2 Zoning.

B. Intent

- 1. The intent of this Article is to permit variation in conjunction with a proposed *subdivision plat* in *lot* size and housing type in suitable areas in order to encourage flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of *streets* and utilities and to preserve the natural and scenic qualities of open space, in accordance with Section 37 of the General City Law. This purpose is achieved by permitting a reduction in *lot* sizes required for the zoning district within which such *development* occurs while maintaining the imposed *density*

limitations through the provision of open space. These regulations apply to all properties within

2. It is the intent of this Article to promote energy conservation, harmonious architectural design, better use of existing topography and natural features, conservation of open spaces, recreational *development*, solar *access* and design, and to provide for economies inherent with *cluster-type development* and *conservation subdivisions*.



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- C. Delegation to the *Board*. The power to approve, approve with modifications or disapprove *cluster* zoning in accordance with the intent established in Article II above, is granted to the *Board* in accordance with Article 3, Section 37 of the General City Law.

D. Purposes:

1. Residential Amenity
 - a. High quality site design resulting from flexible site and *lot* standards.
 - b. Creation of open space usable for recreation, either active or passive.
2. Conservation
 - a. Preservation of significant natural and manmade characteristics of the site.
 - b. Preservation of flood plains slopes subject to erosion, and other environmentally sensitive areas.
3. Efficient and economic use of land resources
4. Comprehensive Land Use Planning
 - a. Coordination with City of Saratoga Springs Comprehensive Plan and other applicable County, State, Federal and Regional plans and programs.
 - b. Maintenance of the residential character of Saratoga Springs, while increasing the variety of housing opportunities available.
 - c. *Development* or redevelopment of land in a manner appropriate to the special characteristics of each site and present and future needs of the *City*.

E. General Conditions (Amended 8/3/99)

1. *Clustering* shall apply only to single family detached residential developments within the UR-1 or SR-2 residential zoning district where single-family detached *units* are permitted. In no case will other housing types be permitted.
2. In determining the allowed *density* of a *conservation*

subdivision, the *Board* shall require the submission of a *conventional subdivision* plan showing the maximum number of *lots* that could reasonably be approved in conformance with the zoning and *subdivision* regulations for the district the project is proposed, and taking into account natural resource constraints such as slopes and *wetlands*. The number of *lots* that can be developed in accordance with such a plan shall be known as and constitute the base *density* for the *subdivision*.

3. *Density* of residential *units* shall not exceed the base *density* as calculated in Article IV, Section 1, Paragraph B.1., except that the *Board* may allow up to 20% greater *density* where it finds that:
 - a. The project provides exceptional open space or public recreation benefits. Examples of such benefits include the provision of a new recreational opportunity available to the public in an area where there has not been such an opportunity; the provision of public *access* to an important natural or park area; and the permanent protection of an important environmental resource.
 - b. The project provides a desirable mix of affordable housing. Examples of such a mix include the provision of at least 20% of the housing mix below the median housing price. Such houses or *lots* shall be set aside for purchase by low and moderate income households, as those terms are currently defined by the *City's* Community Development Office. The *Board* may establish such other conditions with respect to the purchase and occupancy of affordable housing, as it deems appropriate.
 - c. The decision to allow such bonus shall be at the sole discretion of the *Board*.
4. *Clustering* may be applied to *subdivisions* of any size.

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

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

E. Standards Governing *Clustering* (Amended 8/3/99). Any



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average *density development* considered shall conform to the following standards which are to be regarded as minimum requirements:

1. The *Board* shall determine that a *cluster development* or *conservation subdivision* will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed *development* is in conformity with the objectives of the *City's* Comprehensive Plan, and that the gross *density* will be no greater than if the tract were developed in accordance with the existing zoning requirements.
2. When such *development* is proposed adjacent to any existing residence or residential area, a suitable *buffer* area, as the *Board* determines, but at least the same distance as the minimum rear or side yard setback in the district in which the project is located, shall be left between the closest *lot line* of any *lot* in an existing residential *development* area or a conventionally *platted* residential map that has been filed with the Saratoga County Clerk, and the closest structure in the residential *cluster development* contained on a *clustered lot*.
3. There shall be no other setback requirements except as specified in 240-4.12B. Zero *lot lines* are allowed.
4. The *development* shall have dedicated, as a minimum, for open space purposes the same percentage of the entire tract as that by which the *lots* have on the average been reduced. The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the *Board* during *subdivision* review and in addition, the *Board*, as a condition of approval, may establish such conditions on the ownership, use and maintenance of such open space lands as it deems necessary to assure the preservation of such lands for their intended purpose.
5. *Lots* in a *conservation subdivision* may be of any size.
6. All the land not contained in the *lots* or the *road right-of-way*, if provided, shall be contiguous and of such size and shape as to be usable for recreation, either passive or active.
 - a. Such land may:
 - (1.) Be dedicated to the *City*, provided the *City* is willing to accept such dedication;
 - (2.) Be transferred to a not-for-profit corporation approved by the Attorney General's Office, pursuant



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to Section 352(e) of the General Business Law,
comprised of *owners* of *lots* within the *development*;
or

- (3.) Be transferred to a bona fide charitable not-for-profit corporation whose purposes include the acceptance of land for open space, conservation, protection of environmentally sensitive areas, or the like.
- b. The *applicant* shall notify the *Board* of its intention prior to the grant of *final subdivision approval*, and shall supply the *Board* with such reasonable documentation that it may request evidencing its intentions and indicating the ability and/or willingness on the part of the proposed recipient to receive such lands for such purpose.
- c. The *applicant* may be required by the *Board* to incorporate into the deeds of all property within the *development* a clause giving to the *owners* an *easement* or other interest in such open land which shall be used for recreation or other like purposes and, further, provide the City of Saratoga Springs with an *easement* providing for the same, which may be enforced by the *City* to insure the continued use of the property as common area. No structure save those incidental to the recreational functions shall be permitted thereon.
- d. Common open space shall, unless otherwise waived by the *Board*, be directly accessible to each residential *unit*.
- e. The open space lands shall be subject to taxation, unless deeded to the *City* or to a qualified charitable corporation.
- 7. In the event that the organization established to own and maintain common property, or any successor organization, shall fail to maintain the common property in reasonable order and condition in accordance with the plan, the *City* may assume responsibility for such maintenance and assess the cost equally against the properties within the *development*.
- 8. The developer shall be responsible for maintaining open space until such time as it is legally accepted by the *City*, HOA or other designated entity.



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ARTICLE V – ADMINISTRATIVE PROCEDURES



User Guide:

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

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

ARTICLE VI – VARIANCES, MODIFICATIONS AND REVIEW



User Guide:

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

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

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

ARTICLE VII - WAIVER



User Guide:

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

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

ARTICLE VIII - SEPARABILITY



User Guide:

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

Appendix*

A – Fee Schedule

B – Form for Public Notification

C – Form for Application for Subdivision

D – Completeness Checklist for Sketch Plan

E – Completeness Checklist for Preliminary Plat Subdivision

F – Completeness Checklist for Final Plat Subdivision

G – Completeness Checklist for Conservation Subdivision

H – General Requirements and Subdivision Design Standards

I – Performance Improvements and Performance Guarantees

J – Street Acceptance Checklist

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

All fees shall be established by resolution of the City Council.

Appendix B – Form for Public Notification

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

Applicant:

«ApplicantFirstName» «ApplicantLastName»

«ApplicantAddress»

«ApplicantCity», «ApplicantSt» «ApplicantZip»

Print:

3 X

Bill to:

«ApplicantFirstName» «ApplicantLastName»

«ApplicantAddress»

«ApplicantCity», «ApplicantSt» «ApplicantZip»

(518) «ApplicantPhone»



CITY OF SARATOGA SPRINGS

PLANNING BOARD

City Hall - 474 Broadway
Saratoga Springs, New York 12866-2296
Tel: 518-587-3550 Fax: 518-580-9480

(Rev.

APPLICATION FOR SUBDIVISION

1. Project Name:

2. Project Data

Location:

Tax Parcel Number: -----

Current Zoning:

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

3. Professional Representing Applicant:

Name: ----- Phone: -----

Address: ----- Fax: -----

----- e-mail: -----

4. Type of Application and Application Fee: Total \$ _____
If fee is required, a separate check payable to: "Commissioner of Finance" must accompany this application.

☐ Preliminary Subdivision Plat Approval

1-20 Lots \$400

21-50 Lots \$600

51+Lots \$1,000

Fee submitted = \$ _____

☐ Final Subdivision Plat Approval

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

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

5. Environmental Assessment Form – All applications must include a completed SEQR form. Guidance will be given regarding the need for submission of a long or short form
6. Cost estimates for Letter of Credit – All applications must include cost estimates.
7. Application Check List – All applications must include the application checklist.
8. Estimate of increase in water consumption: _____ gallons/day.
9. For all projects including new water connections to the City system, a copy of a signed water service connection fee agreement with the City Department of Public Works is required and MUST be submitted with this application.
10. Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES_____ NO _____.
If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

11. Submit 12 copies of complete application including checklist, SEQR form, and all plans (must be 24" x 36").

12. Submission Deadline – All completed applications are due 3 weeks before the Planning Board meeting date.

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

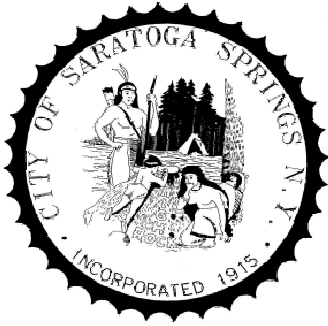
Applicant Signature: _____ Date: _____

Name: _____ Phone: _____

Address: _____ Fax: _____

_____ e-mail: _____

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



CITY OF SARATOGA SPRINGS

PLANNING BOARD



City Hall - 474 Broadway
 Saratoga Springs, New York 12866-2296
 Tel: 518-587-3550 Fax: 518-580-9480

APPLICATION FOR SKETCH PLAN SUBDIVISION PLAT

(Rev:

COMPLETENESS CHECKLIST

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

Project Name: _____

Checklist Prepared By: _____ Date: _____

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

YES N/A	NO	YOUR SKETCH PLAN SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
☐ ☐	☐	1. Name of subdivision
☐ ☐	☐	2. Name, address and phone number of owner and purchaser under contract
☐ ☐	☐	3. Name, address and phone number of subdivision surveyor and/or engineer
☐ ☐	☐	4. Site location map

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

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



CITY OF SARATOGA SPRINGS

PLANNING BOARD



City Hall - 474 Broadway
Saratoga Springs, New York 12866-2296
Tel: 518-587-3550 Fax: 518-580-9480

Appendix E

APPLICATION FOR PRELIMINARY SUBDIVISION PLAT

(Rev:

COMPLETENESS CHECKLIST

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

Project Name: _____

Checklist Prepared By: _____ Date: _____

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

YES N/A	NO	YOUR PRELIMINARY SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
☐ ☐	☐	1. Name of subdivision
☐ ☐	☐	2. Name, address and phone number of owner and purchaser under contract
☐ ☐	☐	3. Name, address and phone number of subdivision surveyor and/or engineer
☐ ☐	☐	4. Site location map

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



CITY OF SARATOGA SPRINGS

PLANNING BOARD

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APPLICATION FOR FINAL SUBDIVISION PLAT

Rev:

COMPLETENESS CHECKLIST

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

Project Name: _____

Checklist Prepared By: _____ Date: _____

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

YES	NO	YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
N/A		
☐	☐	1. Name of Subdivision

☐	
☐ ☐ ☐	2. Name, address and phone number of owner and purchaser under contract
YES NO N/A	YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
☐ ☐ ☐	3. North arrow and map scale Scale may not be smaller than fifty feet (50') to one inch (1")
☐ ☐ ☐	5. Standard title block and map key
☐ ☐ ☐	6. Site location map
☐ ☐ ☐	7. Scaled topography at two foot (2') contours
☐ ☐ ☐	8. Identification and size of all utilities within two hundred and fifty hundred feet (250') of the site
☐ ☐ ☐	9. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Planning Board
☐ ☐ ☐	10. Indications of compliance with requirements of the NYS Dept. of Health and/or NYS Dept. of Environmental Conservation
☐ ☐ ☐	11. Lots numbered as approved by the Office of the City Engineer with lot line dimensions for each parcel boundary
☐ ☐ ☐	12. Parcels with tax map numbers and postal addresses
☐ ☐ ☐	13. Existing zoning, setback lines, and required area and bulk requirements
☐ ☐ ☐	14. Names of adjacent owners within two hundred fifty feet (250')

☐ ☐ ☐	15. Location of watercourses, marshes, vernal pools, rock outcrops, wooded areas and other important natural features
☐ ☐ ☐	16. All monuments erected, corners, and other points established in the filed in their proper places
☐ ☐ ☐	17. Identification of existing and proposed easements; covenants or legal right-of-way boundaries with dimensions, azimuths, or angle data and horizontal and vertical curve data, existing and proposed streets; and other pertinent features such as existing or proposed railways, buildings, cemeteries, drainage ways; bridges, etc. on the property
YES NO N/A	YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
☐ ☐ ☐	18. Standards of accuracy of elevations meeting the City of Saratoga Springs requirements shall be noted on the plat
☐ ☐ ☐	19. Signature and seal of a professional engineer and land surveyor, both registered in New York State, or a qualified land surveyor under section 7208, paragraph (n) of the Education Law
☐ ☐ ☐	20. Location and dimensions of all property to be set aside for recreation uses, or other public or private reservation and conditions, if any, of the dedication or reservation; or a statement of intent to contribute a fee in lieu of land for recreation
☐ ☐ ☐	21. Plan/Profile of each street and utility easement, with acceptable horizontal scale not to exceed fifty feet (50') to one inch (1") and vertical scale of five feet (5') to one inch (1")
☐ ☐ ☐	22. All pavement, storm drains, gas lines and water lines to scale with appurtenances and inverts
☐ ☐ ☐	23. Pavement and utility stationing including all horizontal and vertical control points and grades according to scale
☐ ☐	24. Certificate of adequacy of proposed water supply and sanitary waste sewer

☐		disposal systems as required by the NYS Dept. of Health; the NYS Dept. of Environmental Conservation; and/or the NYS Public Service Commission
☐ ☐	☐	25. A copy of a signed water connection agreement with the City DPW for all projects involving new water connections to the City system
☐ ☐	☐	26. An estimate of construction costs for the purpose of establishing a letter of credit or bond to cover the full cost of all required improvements
☐ ☐	☐	27. Final design of bridges, culverts
☐ ☐	☐	28. Such certificates, affidavits, endorsements, or agreements as may be required by the Planning Board
YES N/A	NO	YOUR FINAL SUBMITTAL SHOULD INCLUDE THE FOLLOWING ITEMS, AS APPLICABLE:
☐ ☐	☐	29. If an on-site water supply is to be utilized, a note stating: "All lot sales shall be contingent upon a contract addendum which specifies the location of water for the lot and guarantees the available flow capacity and water supply complies with the standards of Saratoga Springs and the NYS Dept. of Health standards."
☐ ☐	☐	30. Final design for all sanitary sewers, storm drains, gas lines and water lines with all appurtenances, and stationing (labeled to show size and material of each). Where appropriate a report prepared by the applicant's engineer explaining the means for compliance with the NYS SWPPP regulations
☐ ☐	☐	31. If a final application is being submitted following approval of a preliminary subdivision plat, a narrative description of the conditions to be met as specified in the approving decision and how the conditions have been addressed

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



CITY OF SARATOGA SPRINGS

PLANNING BOARD

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Rev: (11/05)

**APPLICATION FOR CONSERVATION SUBDIVISION PLAT
COMPLETENESS CHECKLIST**

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

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

Does the project have any of the following Conservation Features?

YES	NO	FEATURE TYPE	DESCRIBE FEATURE VALUE
		CONSTRAINED LAND:	
		NYS Wetland (specify class of NYS wetlands)	
		Federal Wetlands	
		Watercourse	

		(specify stream classification)	
		Other water bodies	
		100 –year floodplains	
YES	NO	FEATURE TYPE	DESCRIBE FEATURE VALUE
		Steep slopes -min. area 2,000 sq. ft. with slopes over 25% (describe soil & vegetation type; erosion potential)	
		Other natural features	
		Stream corridors – within 100' horizontal distance of stream bank	
		Wooded areas of 1 acre or more	
		Trees uncommon by virtue of size, age or species (specify)	
		Rock outcropping	
		Cultivated land (specify leasee)	
		Water resource protection areas	
		Cultural Features	
		Historic sites (specify if state or nationally listed, eligible for listing, or locally identified)	
		Archaeological sites (burial grounds, cemeteries, building foundations, etc)	

		Hedgerows and stone walls	
		Scenic Vista/ Viewsheds from public roads, trails or parks	
YES	NO	FEATURE TYPE	DESCRIBE FEATURE VALUE
		Existing or planned trail connections	
		Buffer to adjacent properties	
		Other features, specify	

GENERAL REQUIREMENTS AND SUBDIVISION DESIGN STANDARDS

§ 1. General Requirements

A. Conformance to Applicable Rules & Regulations: In addition to the requirements established herein, all *subdivision plats* shall comply with the following laws, rules and regulations.

1. All applicable statutory provisions.
2. The local government *zoning ordinance*, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
3. The Official *Comprehensive Plan*, *Official Map*, Public Utilities Plan, and Capital Improvements of the local government, including all *streets*, drainage systems, and parks shown on the *Official Map* or *Comprehensive Plan* as adopted.
4. The specific requirements of these regulations and any rules of the Health Department (DOH), Department of Environmental Conservation (DEC), and/or appropriate state agencies.
5. The rules of the County or State Highway Department if the *subdivision* or any *lot* contained therein abuts a county or state highway or connecting *street* or if off site improvements will be done within the county or state highway *right-of-way*.
6. The standards and regulations adopted by the *City Engineer* and all boards, commissions, agencies, and officials of the *City Government*.

B. Self-Imposed Restrictions: If the *owner* places restrictions on any of the land contained in the *subdivision* greater than those required by the *Zoning ordinance* or these regulations, such restrictions or reference thereto may be required to be indicated on the *subdivision plat*, or the *Board* may require that restrictive covenants be recorded with the County Recorder of Deeds in form to be approved by the *City Attorney*.

§ 2. Standards

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

B. All plans and procedures relating to the *subdivision* of land shall in all respects, be in full compliance with all *City Ordinances*, *Codes* and

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

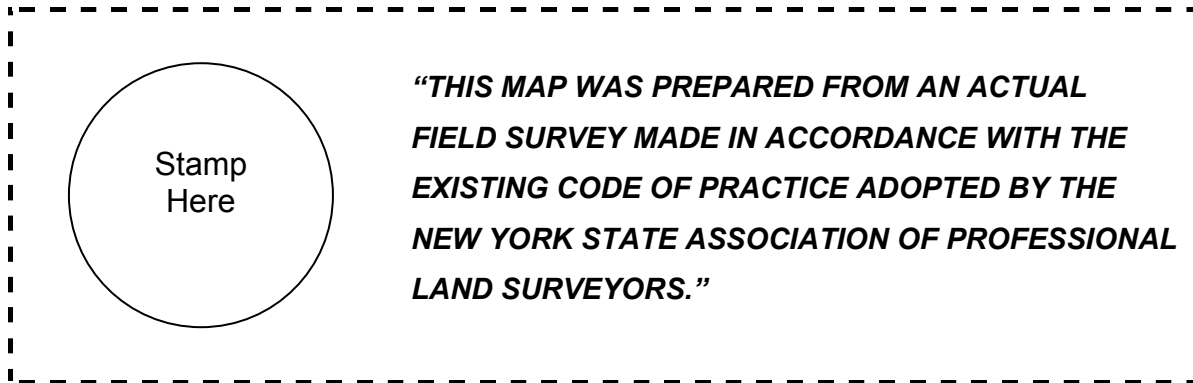
C. The following provisions and standards are issued as guides for design and *construction* of *subdivisions* by private developers. The *Board* may waive, require higher standards, or consider approval of a design or *construction* method, which is not included in these standards.

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

E. *Survey* Requirements:

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

- adjoining property or on abutting *streets* must be indicated if they are within ten feet (10') of the property line with a notation of apparent encroachment. Openings such as windows, doors, etc., in walls, and gates in fences, of premises surveyed or adjoining premises immediately adjacent to the boundary lines (other than *street* lines) must be shown.
- f. Where legal lines of a *street* are established by the City of Saratoga Springs they shall be shown. The width of the *street* where established shall be shown. Where the physical location of a *street* conflict with the official *right-of-way* or legal line the extent of the conflict shall be shown. Where there is no official lines of a *street* established, the width, as physically open and in use, shall be shown. Where there is any doubt as to the location on the ground of *street* and *lot lines*, namely, where the *streets* and *lots* have not been properly or definitely defined by *monuments* in the ground, or where there are errors in the setting of *monuments* or in the descriptions defining *streets* and *lots*, the nature of the difficulty shall be given and the apparent range of differences notes.
 - g. When physical evidence of cemeteries or burial grounds exists, they shall be shown and when a record of cemeteries or burial grounds is supplied, this information shall be noted.
 - h. *Surveys* of multiple parcels must clearly indicate contiguity, gores, or overlaps.
 - i. All *monuments*, stakes and marks found or placed, must be shown and so designated.
 - j. Existing topographic information shall be shown by spot grades and contour lines at two-foot (2') intervals. This topographic information shall be based on the *City's* datum and/or the Saratoga County geodetic control.
 - k. Sufficient benchmarks and monuments shall be located to control the *subdivision* and mark identifying points and where possible, existing established benchmarks shall be referenced.
 - l. If the premises were surveyed when covered with snow or other material so that any of the above conditions might have been concealed, this fact shall be indicated on the *survey* map.
 - m. All property corners are to be set.
 - n. The following certification accompanied by the stamp of the New York State license seal of the professional land surveyor and his name shall be included on the *subdivision plat*:



F. *Streets:*

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

See Figures
1-6

5. *Streets* classified within the urban principal or minor arterial system shall be designed for limited *access* for fast and/or heavy traffic. All arterials shall be designed to meet the standards and specifications as set forth by the *City*, *County*, and/or *State*.
6. Dwellings shall not front onto *alleys*.
7. *Urban local streets* may be designed to accommodate alternating parking along one side of the *street*.
8. *Streets* classified within the urban or local systems shall be designed and constructed in accordance with the *City's* Standard Details and Specifications and shall meet the following standards:
 - a. The minimum *street right-of-way* (ROW) width, measured from *lot line* to *lot line*, shall be:

Minimum ROW Widths By Street Type

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

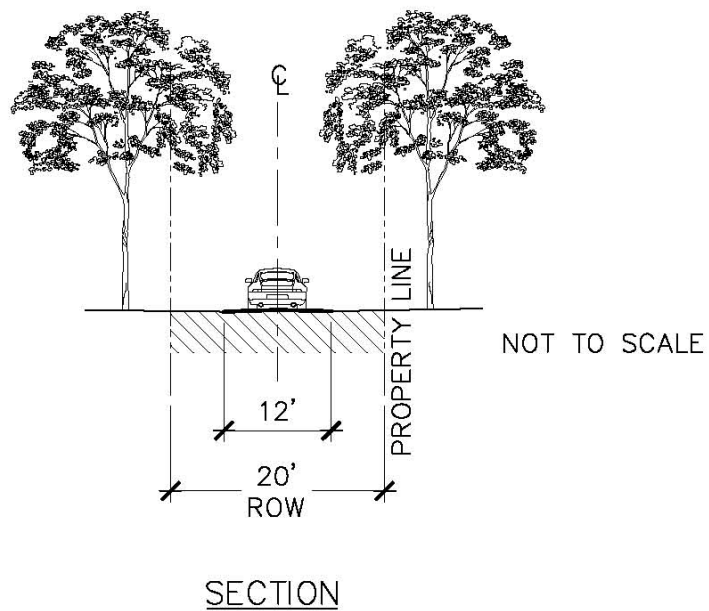
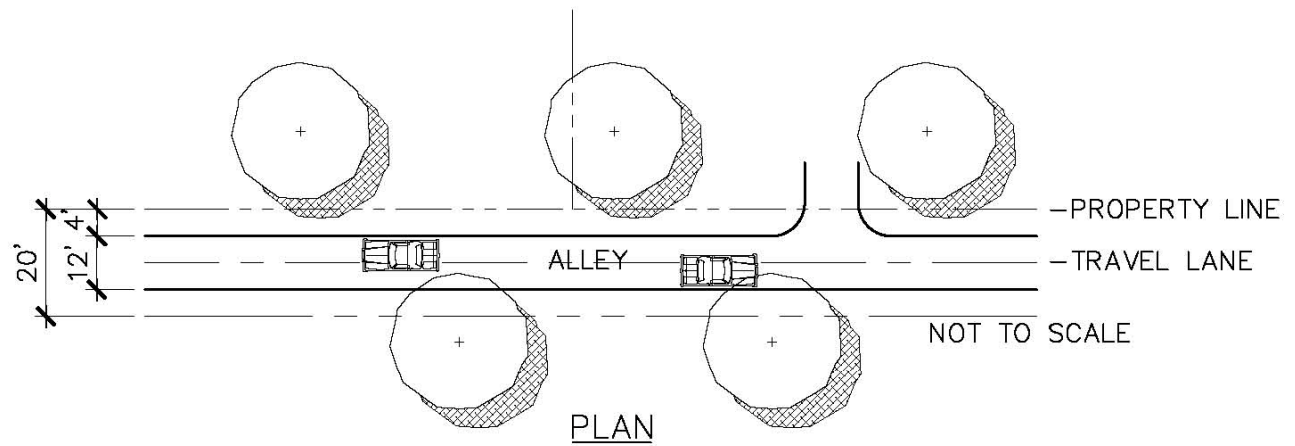
In the event that a *development* adjoins or includes existing *City streets* that do not conform to the width requirements of this ordinance, additional land along both sides of said *street* sufficient to conform to the *right-of-way* requirements shall be offered to the *City*. If a *subdivision*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

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

Pavement Widths by Street Type

<i>Alley</i>	Twelve feet (12')
One-way Street	Twenty feet (20')
Small Rural Road	Twenty feet (20')
Rural Road	Twenty-four feet (24')
Urban Local Street	Twenty-eight feet

	(28')
Urban Street - with parking on both sides	Forty feet (40')

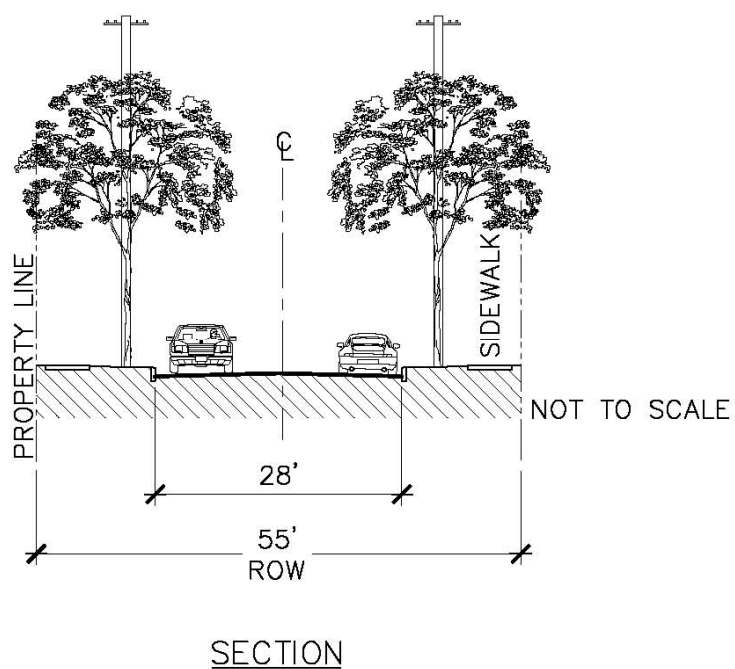
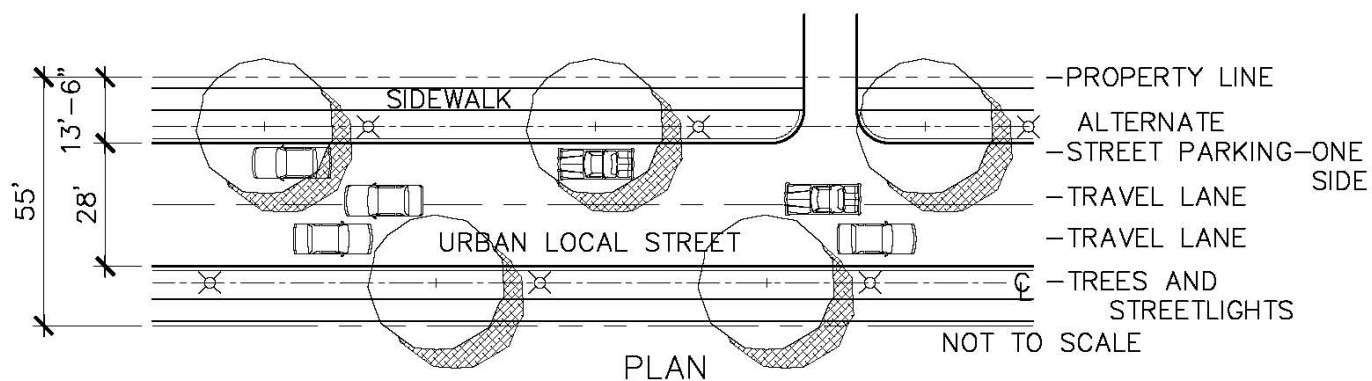


ALLEY

Figure 1

NOTE:

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

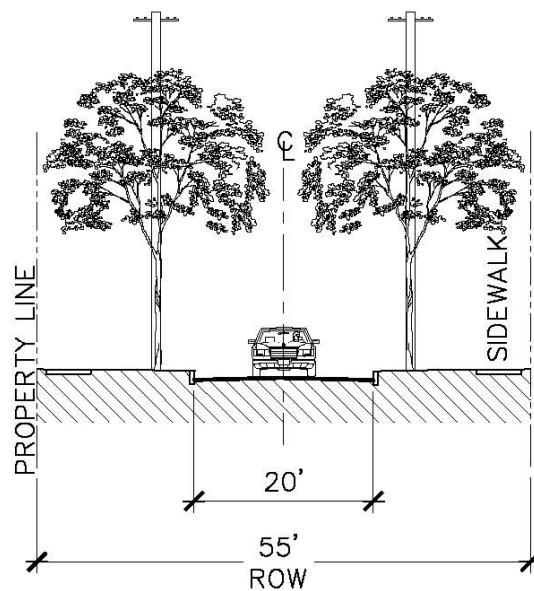
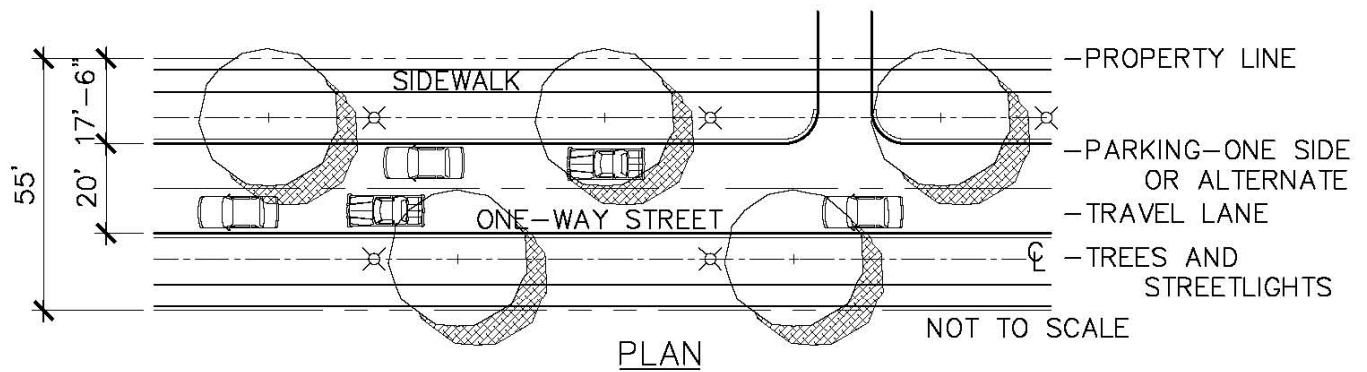


URBAN LOCAL STREET

Figure 2

NOTE:

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



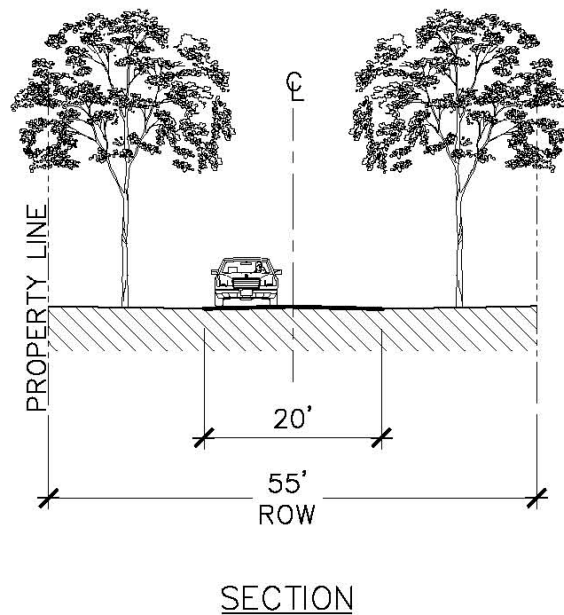
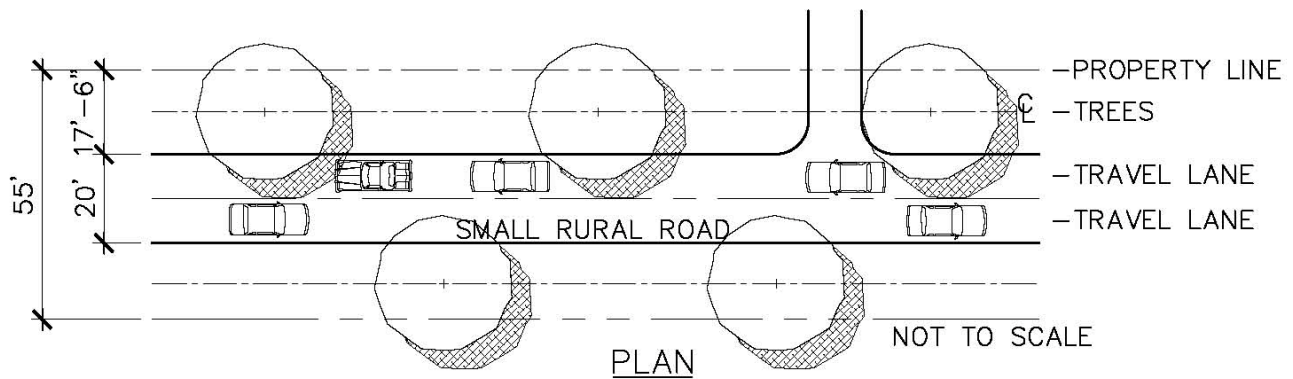
SECTION

ONE-WAY STREET

Figure 3

NOTE:

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

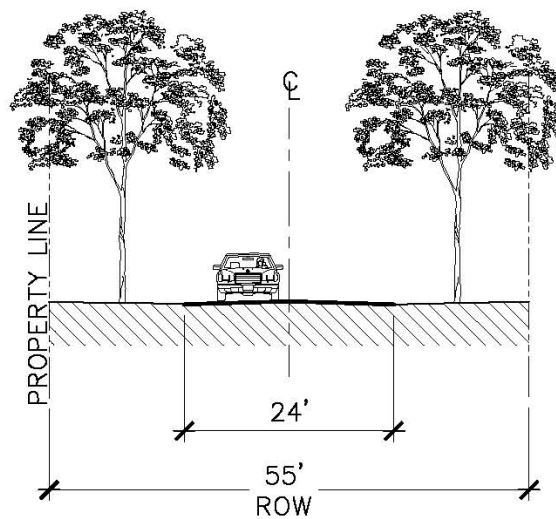
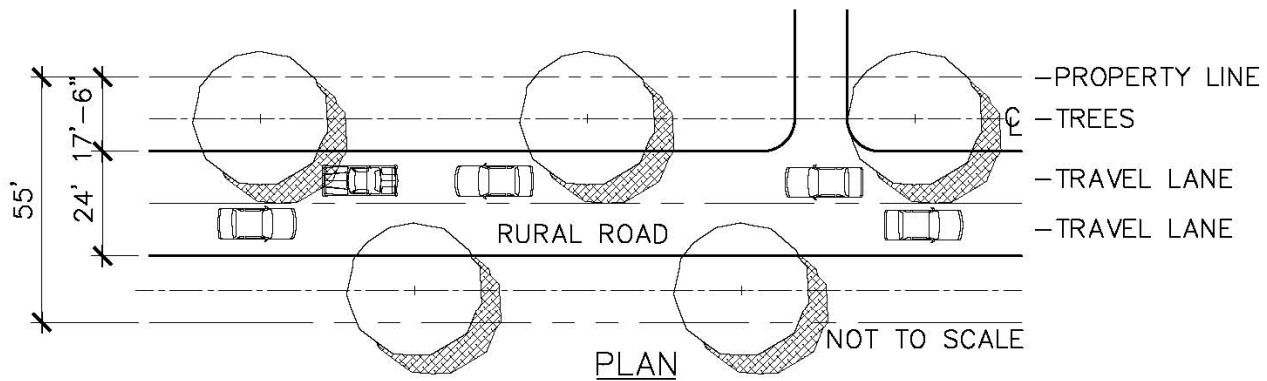


SMALL RURAL ROAD

Figure 4

NOTE:

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

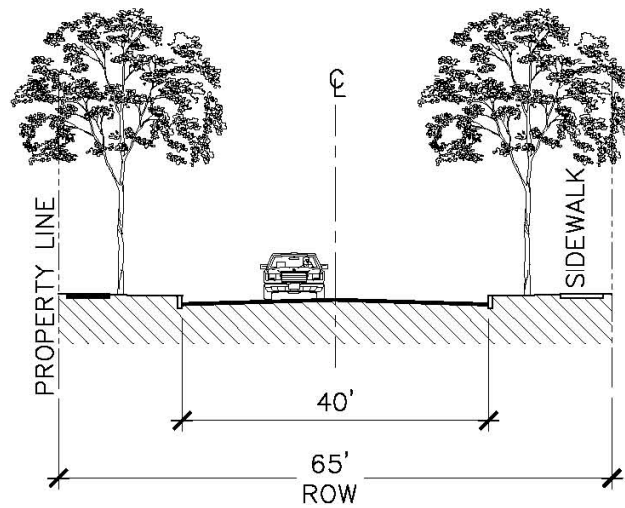
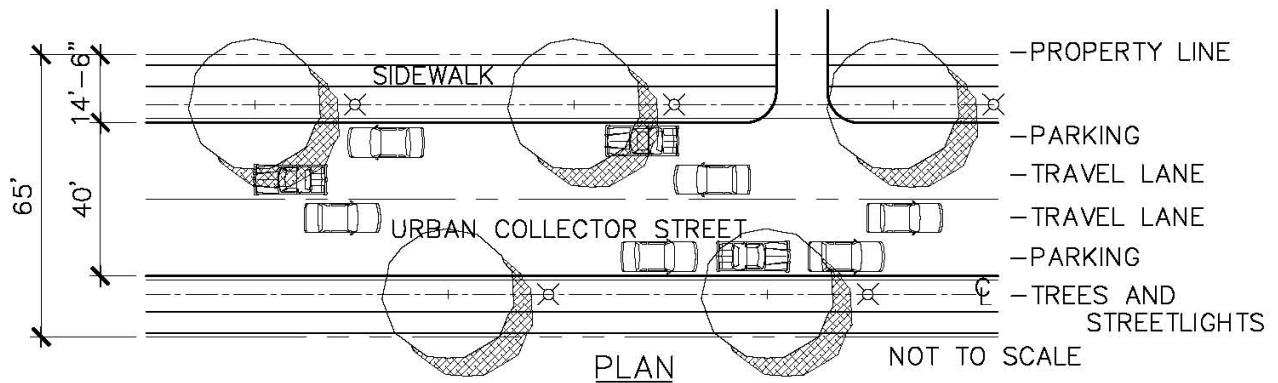


RURAL ROAD

Figure 5

NOTE:

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



URBAN STREET

Figure 6

NOTE:

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

- c. With the exception of traffic calming measures, a *street* that is a continuation of an existing *street* should not be continued at a width less than the existing *street* although a greater width may be required.
- d. In no case shall *lot* frontage on *alleys* be considered as a front yard.
- e. Horizontal curves shall be used whenever there is a change in direction. A tangent of at least one hundred feet (100') shall be required between reverse curves. Minimum centerline radius for horizontal curves shall be:

Minimum Center Line Radius by Street Type

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

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

Minimum Vertical Curves for Street Grades

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

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

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

- g. *Street* grades for all *urban*, *local* and *rural streets* shall not be less than one percent (1%) or greater than seven percent (7.0%). When *street* grades are less than one percent (1.0%) the cross section slope shall be increased as per the *City's* standard detail. Grades at *street* intersections shall be less than three percent (3.0%) for a distance of one hundred feet (100').
- h. Grading of all side slopes for all *urban streets* and *rural roads* shall be

- designed to insure a smooth transition between the existing and proposed grades. The maximum slopes shall be one on three (1:3).
- i. All graded (or otherwise disturbed) areas not scheduled for paving shall be fine graded, topsoiled, and seeded in accordance with the *City's* Standard Detail and Specifications.
 - j. The *Board* may require guide rails along *streets*, which abut lakes, ponds, swales, or other natural or created conditions. The *Board* may require guide rails along *streets*, which are constructed on fills and the developer has received a waiver for curbs. Guide rails shall conform to New York State Department of Transportation's specifications.
 - k. Intersections should be at an angle as near ninety degrees (90°) as conditions will permit and in no case more than one hundred five degrees (105°) or less than seventy five degrees (75°). Minor *street* intersections shall be separated by a minimum of one hundred-fifty (150'), centerline to centerline, and intersections of *urban streets* by other *street* shall be at least eight hundred feet (800') apart. T-intersections shall be used where practical and cross *road* (four cornered) intersections shall be avoided except at important or major traffic intersections.
9. In general, dead end *streets* or cul-de-sacs will be discouraged unless provision is made for the future elimination of the dead end, or unless it can be demonstrated to the satisfaction of the *Board* that there is no other practical way to develop the property, i.e. physical constraints, slopes, *wetlands*, property configuration, etc. Cul-de-sac designs shall incorporate a reservation of ROW to allow for future continuation of the *street* to the adjoining property.
 10. When dead end *streets*, or cul-de-sacs are permitted, either temporary or permanent, they shall serve no more than fourteen (14) residential dwelling *units* or be longer than six hundred feet (600') in length (measured from the *street* intersection to the center of the cul-de-sac). Minimum cul-de-sac radii shall be seventy-five feet (75') with a circular turn—around pavement of not less than one hundred feet (100') in diameter. Permanent turnarounds, either "L" or "T" shaped are prohibited, except under unusual circumstances as determined by the *Board*.
 11. In general, stub *streets* shall be discouraged, but when constructed stub *streets* shall be paved to the property line.
 12. The length, width and acreage of *street* blocks shall be sufficient to accommodate the size *lot* required in the district in which it is to be located and to provide for convenient access and traffic circulation control. No block within a residential area shall exceed twelve hundred feet (1,200') in length. Within commercial and industrial areas, block lengths shall be sufficient to meet area and yard requirements for such uses and to provide proper *street* access and circulation.
 13. Shared driveways in both residential and non-residential subdivisions are encouraged. The following is a model easement that should be used to

establish an agreement on maintenance of shared driveways:

Sample Easement

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

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

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

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

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

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

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

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

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

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

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

Signed:

(Partv 1)

(Partv 2)

G. Curb and Sidewalk Design:

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

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

1. Surface drainage systems adequately designed to accommodate all surface runoff coming to or accumulating on the *subdivision right-of-way* shall be constructed. All components shall be designed for runoff from the entire contributing watershed (including runoff onto the site from adjacent properties) taking future *development* into account.
2. The storm water design and management shall take all point discharges and upstream and downstream cumulative drainage concerns into account. Drainage systems must be properly coordinated with surrounding

- properties to insure that runoff does not cause damage to other properties.
3. A storm water management report shall be prepared and submitted to the *Board* for all *subdivisions*. The following criteria shall be used in designing for storm drainage:
- a. For small watershed areas (less than one acre), the determination of pipe sizes and/or culverts shall be based on hydraulic computations using the Rational Method in which the actual tributary watershed area is measured, and a minimum runoff coefficient of 0.30 is used (in cases where dense residential, business or commercial *development* is anticipated this coefficient should be increased as conditions require). The following rainfall intensity/duration frequency shall be used:
 - One hour rainfall intensity of 1/2" to be expected once in ten (10) years for all single family, detached dwelling *unit subdivisions*;
 - One hour rainfall intensity of 2.0" to be expected once in twenty five (25) years for all commercial, industrial, and residential *subdivisions* other than single family, detached *units*.
 - b. For *land development activities* with disturbance greater than one acre, the "Stormwater Management Design Manual " prepared by the New York State Department of Environmental Conservation and dated August 2003 (or subsequent version as updated by NYSDEC) shall be followed. The stormwater management system must be designed to treat stormwater for quality and quantity according to the NYSDEC *SPDES General Permit for Construction Activities, Permit GP-02-01*. In addition to the stormwater management report required by the City, a Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) must be prepared in accordance with the GP-02-01 regulations and the NOI submitted to the NYSDEC for approval. The following basic guidelines must be followed.
 - All projects with greater than one acre of disturbance must adhere to GP-02-01. Projects of less than one acre of disturbance shall prepare only a stormwater management report for the City as stated in H.3.a.
 - All projects (residential, commercial, industrial, etc.) of greater than one acre of disturbance shall consult the GP-02-01 for detailed guidance. However, the following basic guidance shall be used.
 - The water quality volume, calculated according to the NYS Design Manual, must be treated for all new impervious surfaces of a project, including roads, drives, sidewalks, roofs, or other surfaces which do not allow water to infiltrate.
 - The 1 year, 10 year, and 100 year 24-hour storm events must be attenuated to predevelopment rates, according to the NYS Design Manual.
 - All projects which, according to the conditions of GP-02-01, require post-development stormwater management practices must adhere

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

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

4. The following guidelines should be used in preparing storm sewer management plans:
 - a. Introduction: Should include project name, location, and a brief description of the site.
 - b. Site Characteristics: Should include elevations, type, and description of vegetative cover, type and size of existing buildings (if any), type and size of any impervious areas.
 - c. Existing Storm Sewer Facilities: Should include type, size, condition, of any storm sewer pipe, detention or retention basins, drywells and open channels receiving “major” flows.
 - d. Design Criteria: Provide a brief statement on the type of methodology used in the report. Acceptable methodologies include Rational Method, modified Rational Method, TR 55, TR 20 or any other method acceptable to the *City Engineer*, including computer generated analysis.
 - e. Pre/Post Development Maps: The report must include mapping based on a combination of field topography, USGS or other source and site observations. The report must also include any off site drainage that enters the site. The pre and post drainage areas must be clearly shown on the mapping.
 - f. Runoff Coefficients/Curve Numbers: Show calculations on how the composite runoff coefficient or composite curve numbers were calculated.
 - g. Intensity: Show how the rainfall intensities were determined. The report should include copies of all tables or charts used in the calculations or to document the intensities.
 - h. Percolation (Perc) Tests and Soil Borings: The report must provide the perc tests and soil borings conducted to support any drywell or infiltration types used in the storm sewer design. The perc tests and soil borings must be current and must be dug at the approximate location of the proposed structures. They must indicate the depth of seasonal high groundwater and any rock formations encountered.
 - i. Proposed Storm Sewer Facilities: The report should include the type, size, and condition of any proposed storm sewer pipe, detention or retention basins, drywells and any new channels.
 - j. Calculations: The report must include the appropriate calculations for the methodology selected.

- k. Volume Calculations: The report must include calculations for sizing all detention/retention facilities.
 - l. Conclusions: The report should provide a summary of the results including pipe sizes, detention/retention basin sizes, a table of percentages of pre and post amounts of building, green space and impervious areas. The report should also include a statement regarding the capability of down stream storm sewer facilities to handle the flows from the new project.
 - m. The report must be signed, sealed and dated by a licensed professional.
5. These guidelines are subject to modification after discussion with the *City Engineer*. In certain instances various portions of the guidelines may not be needed for the specific project.
6. A storm water collection and disposal system shall be provided when tied into the City's storm water sewer. All storm sewers shall be constructed and installed in accordance with the *City's Standard Details and Specifications*.
- a. All inlets, catch basins, manholes, frames, grates and covers, and other required appurtenances shall conform to the *City* standards.
 - b. Curved storm sewers are prohibited.
 - c. All inlets and catch basins shall be provided with sumps. All grates shall have openings designed as "bicycle proof".
 - d. Discharge areas shall be protected with riprap and filter fabric to prevent erosion.
 - e. In general surface flow on *streets* with curbs shall be limited to:
 - 1.) A maximum of three hundred-fifty feet (350'), or;
 - 2.) The quantity which will cause flooding of four feet (4') of the paved surface during the peak of the design storm.
 - f. When either e.1.) or e.2.) is reached, the flow shall be intercepted by inlets or catch basins and entered into the storm sewer.
 - g. Inlets or catch basins shall be located to intercept runoff before it enters an intersection and at all low points.
 - h. Type and class of pipe and bedding conditions shall be as specified in the *City's Standard Details and Specifications*. Pipe sizes shall be determined by use of the Manning formula, however the minimum size of pipe to be used shall be twelve inches (12") diameter. The storm sewer shall be designed to provide a minimum flow velocity of two feet (2.0') per second and a maximum flow of fifteen feet (15') per second when flowing half (1/2) full. All pipes shall be designed for the overburden and live loads it will be subject to with an appropriate safety factor.
 - i. Storm drainage systems shall be provided for within the *street right-of-way*. Where topography, access to existing storm sewer, access to *streams* or brooks, or other conditions are such as to make impractical the inclusion of storm drainage facilities within the

street, such facilities shall be provided across property outside the *street* line and within unobstructed *easements* at least twenty five feet (25') wide with *access* to the *street*. No structures (other than those required for the storm sewer), fences, pavement, etc. shall be placed within this unobstructed *easement*.

- j. The installation of dry lines for storm sewers may be required if any reasonable plan exist for expansion of the *City*, *County* or *State* storm sewers in the area.
7. The *Board* may waive the requirement for storm sewers if the existing storm sewer is greater than two thousand feet (2000') from the *subdivision* and/or there are practical difficulties in tying into the existing system due to engineering limitations. A storm water management report detailing the proposed alternate method of handling the storm water runoff must accompany the request for waiver of the storm sewer.
8. A comprehensive soil and subsurface investigation must be performed and a report submitted defining the nature of the soils, substratum, depth to groundwater and bedrock, percolation rate, and other pertinent data required by the *Board*.
9. Test holes and percolation tests must be located in the areas considered for storm water management. Test holes should be dug in the spring season of the year and witnessed by a soils engineer or soil scientist who can determine seasonal high groundwater levels. Percolation tests must be conducted as outlined by the New York State Department of Health and witnessed by a soil scientist or professional engineer. If different soil layers are encountered when digging the test pits, a soil percolation test should be performed in each layer. The *Department of Public Works (Office of the City Engineer)* must be invited to witness all percolation tests. The applicant must make such invitation at least 48 hours prior to the time of the scheduled tests.
10. With approval of the *Board*, *subdivisions* may incorporate on-site surface or subsurface storm water detention, retention, or impoundment (ponds or lakes) facilities. Such facilities when proposed shall conform to all requirements and standards of the *City Engineer*. Appropriate *easements*, with *access* from a *City street*, shall be provided.
11. A stormwater maintenance report shall be submitted specifying the requirements for maintaining the system and outlining the provisions (if any) for future connection to a storm sewer.
12. Existing *downstream* drainage systems shall be evaluated for conformance with these standards. Should the existing systems be inadequate they shall be upgraded.
13. Inter-basin transfer of water between watersheds shall be avoided to the maximum extent practical and, in no event, shall water be exported beyond the City of Saratoga Springs boundaries except by natural surface and ground water flows.

I. Grading:

1. *Lots* shall be graded so that runoff from roofs, drives and other impervious surfaces flows toward a *street* except that such runoff may flow to the rear where a *watercourse* abuts the rear of a *lot*.
2. A grading plan shall be required by the *Board* if the area contains limited (flat) or severe (steep) topography; or, if it is not practical to direct runoff to the *street*. Slopes of ten percent (10%) or greater may require special engineering and stabilization techniques.
3. Proposed grading shall insure that all runoff is directed away from all buildings and the site is graded to prevent "local" ponding around the building area.
4. Recommended building sites shall be located and proposed floor elevations provided.
5. *Lots* having driveways sloping away from *streets* shall have the driveway graded and paved so as to provide a high point at or near the right—of—way or property line. This high point shall prevent *street* runoff from entering the *lot*.

J. Erosion and Sedimentation Control: During *construction*, erosion of drainage swales and side slopes shall be prevented by means of hay bales and/or soil stabilization mats. Appropriate steps shall also be presented to assure soil stabilization and prevent erosion. The Board, at its discretion, may require additional erosion control measures be installed, even on projects involving less than one (1) acre.

K. Sanitary Sewerage:

1. A sanitary sewerage collection system shall be provided for all *subdivisions*. The Board may waive the requirement for a sanitary sewer if all the following conditions are met:
 - a. All the residential *lots* are single family with a minimum area of two (2) acres;
 - b. The existing soils, percolation rate at the specific septic site, depth to seasonal high ground water level, and depth to the bedrock meet the New York State Department of Health standards for a properly designed on-site septic system;
 - c. The installation of dry lines for sanitary sewers may be required if any reasonable plan exist for expansion of the *City* or County sanitary sewers in the area.
2. All sanitary sewerage systems shall be designed in accordance with the requirements of the City of Saratoga Springs, New York State Department of Environmental Conservation, the New York State Department of Health, and/or the Recommended Standards for Sewage Works adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers whichever is applicable.
3. The collection system shall consist of the building laterals, mains,

manholes, and all other required appurtenances.

- a. Each building lateral shall be connected directly to the sewer main. Laterals shall be a minimum of six inches (6") for all uses. Cleanouts shall be provided at intervals of one hundred feet (100') to allow cleaning of all lines. All laterals shall be PVC-SDR-35 or equivalent.
 - b. Sewer mains shall be sized using the Manning Formula and the appropriate design factor for average usage (flow). The minimum main shall be eight inches (8") diameter.
 - c. Manholes shall be used at all changes of direction and spaced not more than four hundred feet (400') apart. Curved sewers are prohibited.
 - d. Lift stations and force mains shall be designed to meet the minimum standards of the City of Saratoga Springs and/or Saratoga County Sewer Commission, depending on the agency with ownership and maintenance responsibilities.
4. Individual household systems shall be designed in accordance with the Waste Treatment Handbook for Individual Household Systems published by the New York State Department of Health (DOH).
- a. Test pits shall be witnessed by an Engineer from DOH and the test pit results shall be recorded on the plans.
 - b. Percolation tests shall be performed and the locations and rates shall be recorded on the plans. Standard absorption field systems shall be designed and utilized as set forth in the waste treatment handbook.
 - c. No *subdivision* shall be allowed where *construction* of a standard absorption field and *construction* of a sanitary sewer system is not feasible.
 - d. A registered professional engineer must certify the designed individual household systems as to conformance with the design standards.

L. Water Systems:

1. A water distribution system, which will meet both domestic and fire flow requirements shall be provided for all *subdivisions*. The Board may waive the requirement for a water distribution system if the proposed *subdivision* lies in a district where the residential *lots* are single family with a minimum area of two (2) acres.
 - a. The installation of dry lines may be required if there is any reasonable plan for expansion of the water distribution system for the area.
 - b. Private water companies are generally not desired within the *City*.
2. The water distribution system shall be designed in accordance with the requirements of the City of Saratoga Springs and the Recommended Standards for Water Works adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers (DOH Bulletin No. 42), latest edition, including all addenda thereto. In addition, water mains in cul-de-sacs and dead end streets shall be installed at a depth of six feet (6'). The design

shall be certified by a registered professional engineer as to conformance with all required standards.

3. The minimum main size shall be eight inches (8") within residential *subdivisions* and ten inches (10") within non-residential areas. The system shall be designed with adequate capacity and sustained pressure for present and probable future *development*. All pipes shall be ductile iron.

4. Water distribution mains shall be looped and be of adequate size to satisfy both domestic and fire flow requirements. Dead ends shall be avoided; however, if permitted, a hydrant shall be installed at the end of the main. Sufficient sectional control valves shall be provided so that no more than two fire hydrants will be out of service in the event of a single break in the water main; or, on straight runs the control valves shall be no more than one thousand feet (1000') apart. On all water mains that are not looped, the minimum depth for the main and any lateral within the public right-of-way shall be six feet (6').

5. Pipes and fittings shall be of approved materials and type and class of material shall be specified according to pressure, external loading, and ground conditions. Thrust blocks or other approved joint restraints shall be provided on all lines.

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

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

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

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

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

Water Quality Standards for Individual Wells

<i>Item:</i>	<i>Standard</i>
<i>Physical</i>	
<i>Color</i>	<i>Less than or equal to 15 units</i>
<i>Turbidity</i>	<i>Less than or equal to 5 units</i>
<i>Odor</i>	<i>Less than or equal to 3 units</i>
<i>Ph</i>	<i>Between 6.5 and 8.5 units</i>
<i>Conductance</i>	<i>No minimum standard</i>
<i>Chemical</i>	
<i>Total Alkalinity/ as CaCO₃</i>	<i>No minimum standard</i>
<i>Hardness, as CaCO₃</i>	<i>Less than 120mg/L</i>
<i>Nitrates, as N</i>	<i>Less than or equal to 10 mg/L</i>
<i>Iron</i>	<i>Less than or equal to 0.3 mg/L</i>
<i>Manganese</i>	<i>Less than or equal to 0.3 mg/L</i>
<i>Chloride</i>	<i>Less than or equal to 250 mg/L</i>
<i>Sulfate</i>	<i>Less than or equal to 250 mg/L</i>
<i>Sodium</i>	<i>Less than 270 mg/L</i>
<i>Fluoride</i>	<i>Less than or equal to 2.2 mg/L</i>
<i>Bacteriological:</i>	
<i>Total coliform</i>	<i>Less than 1, filter membrane or less than 2.2 mpn</i>

- d. A copy of the test results from a certified laboratory must be submitted to the building inspector.
- e. Within one (1) month prior to the issuance of a certificate of occupancy the well must be retested for total coliform and the test must meet the standard set forth in the standard listed above.
- f. The purpose of this procedure and test relates to the issuance of a building permit only. The City of Saratoga Springs will make no positive or negative recommendation with regard to continuing quality, quantity or pot ability of any water source where individual wells are to be provided. The City of Saratoga Springs will under no circumstances

warrantee, guarantee or in any way affirm the results of any test conducted pursuant to this procedure.

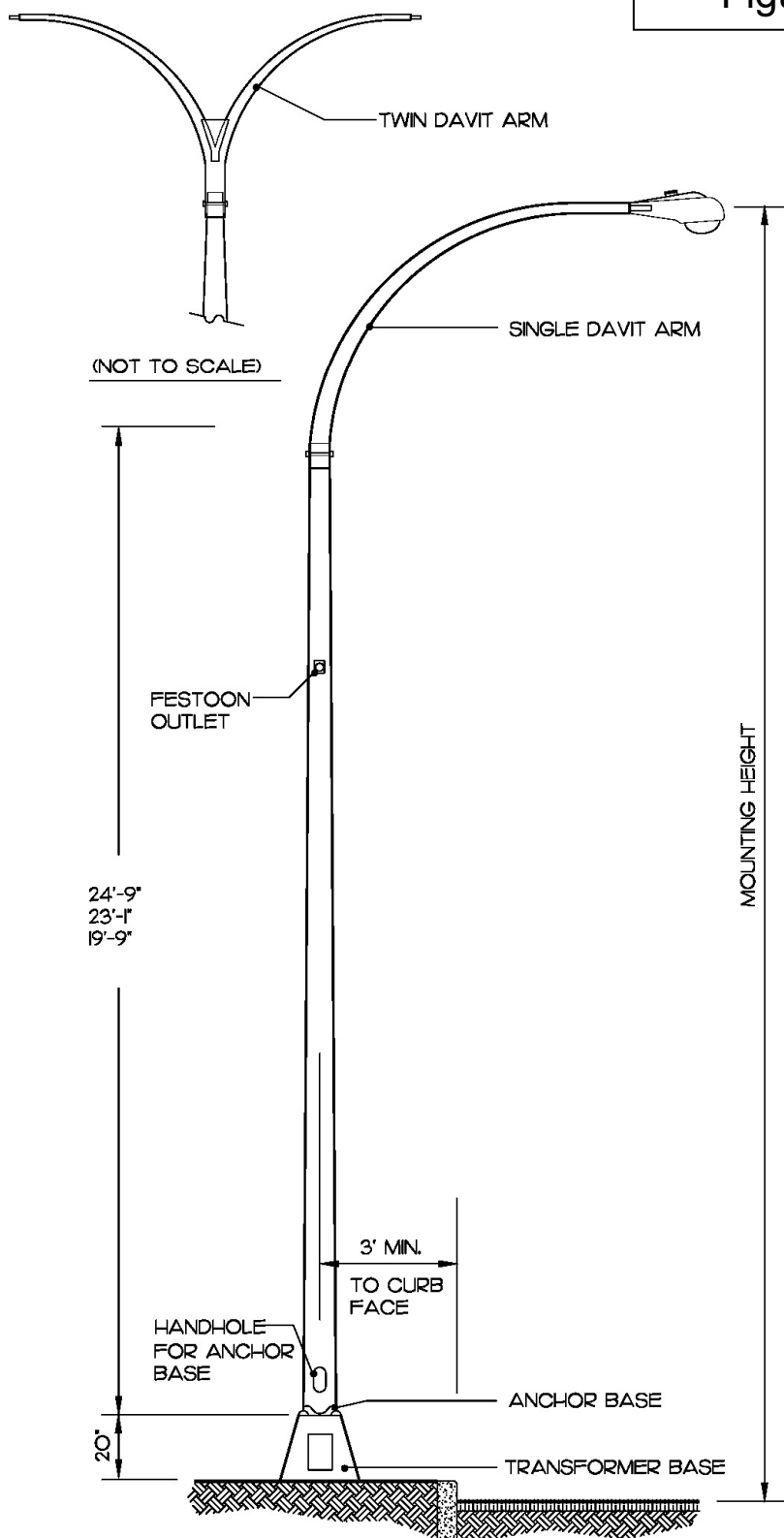
M. Utilities: All utilities shall be placed within the *right-of-way* and buried as per the utility company's specifications.

1. Gas distribution in the service areas shall be as per National Grid, or its successors, policies and standards. The developer shall contact the National Grid office in order to schedule this service.
2. Electrical service shall be provided by National Grid. The developer shall contact the National Grid office in order to schedule this service.
3. Telephone service shall be as provided by a qualified telephone company. The developer shall contact the telephone company in order to schedule this service.
4. Television cable (CATV) and/or fiber optic cable, etc. distribution in the service areas shall be as per the franchised cable company's policies and standards. The developer shall contact the provider's office in order to schedule this service.
5. The *final plat* plan shall include statements that the appropriate company or agency shall approve the design for all utilities.

N. *Street Lighting*: All *subdivisions* shall provide for adequate lighting for the public way. For all *subdivisions* within the *City's* downtown lighting district, as established by the *City's* Department of Public Works, the following shall apply:

1. Lighting standard shall be either:
 - a. Sternberg ten foot (10') ornamental model #4210FP-12GREEN, A850 globe with one hundred-twenty (120) volt mogul base and one hundred-fifty (150) watt high pressure sodium lamp on "Broadway" and with seventy (70) watt high pressure sodium lamp at all other locations; or
 - b. National Grid approved twenty-six foot (26') dark aluminum DAVIT arm high-pressure sodium, or a substitute model approved by the Department of Public Works.

Figure 7

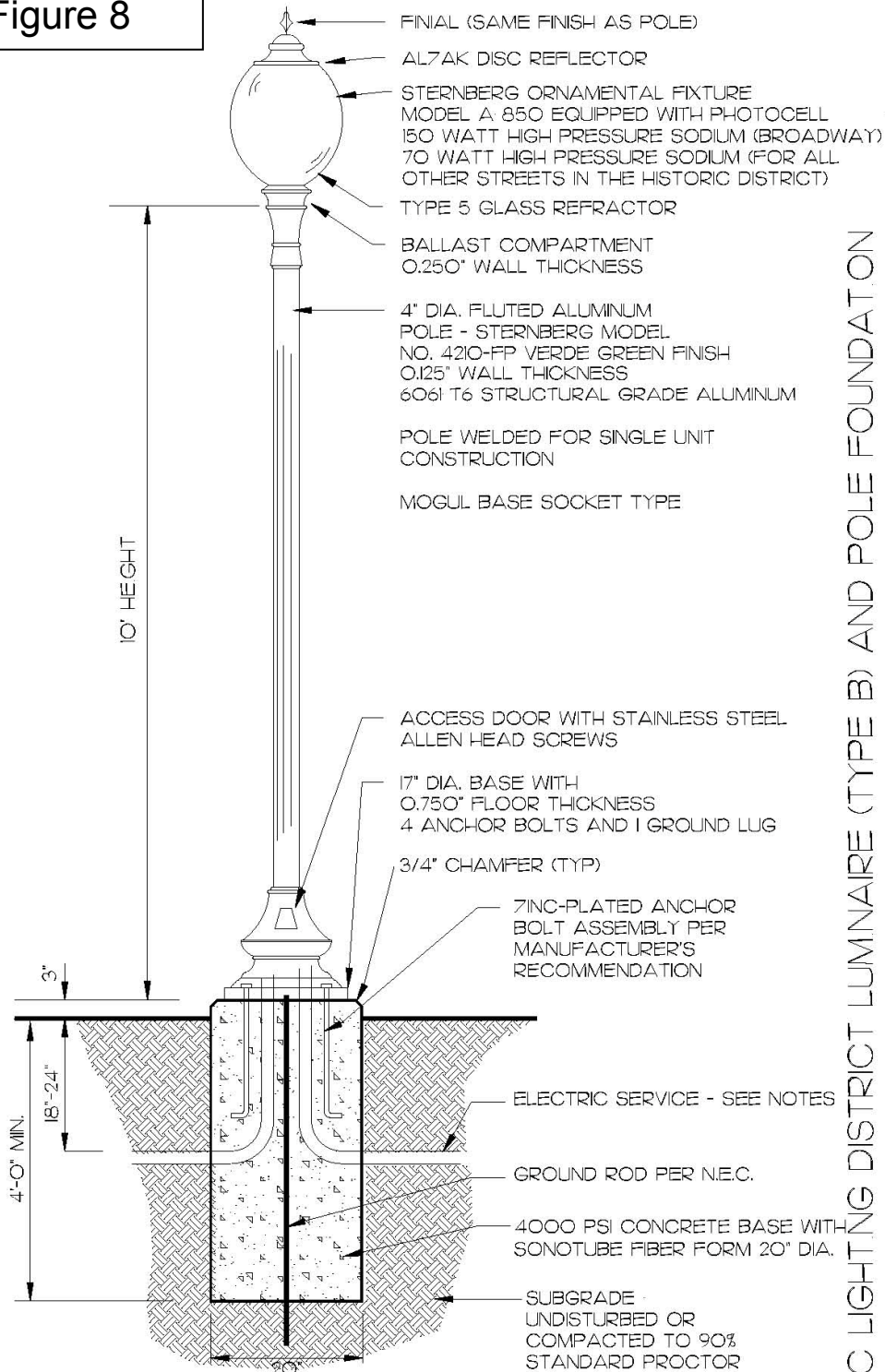


STANDARD STREET LIGHT (NIAGARA MOHAWK)

NOTE: INSTALLATION OF LIGHTS SHALL BE COORDINATED WITH NIAGARA MOHAWK. N.T.S.

REVISED	DATE	APPROVED:	CITY OF SARATOGA SPRINGS, NEW YORK	DWG No
	2/04		STANDARD DETAIL	M-12
		PLANNING BOARD	Standard Street Light	

Figure 8



NOTES:

1. INSTALLATION OF HISTORIC LIGHTS SHALL BE COORDINATED WITH THE CITY ELECTRICIAN AND DEPARTMENT OF PUBLIC WORKS.
2. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ELECTRIFYING THE SYSTEM AND PAYING THE ELECTRIC BILLS UNTIL ACCEPTED AND TAKEN OVER BY THE CITY OF SARATOGA SPRINGS.
3. ELECTRIC SERVICE: SWEEPS AT CONCRETE BASES AND BETWEEN BASES USE 2" SCH. 80 PVC NON METALLIC CONDUIT. FOR WIRE: 3 CONDUCTOR CABLE FUSED AT BEGINNING OF SERVICE, NO. 2 WIRE, 120 VOLT, 100 AMP CABLE.

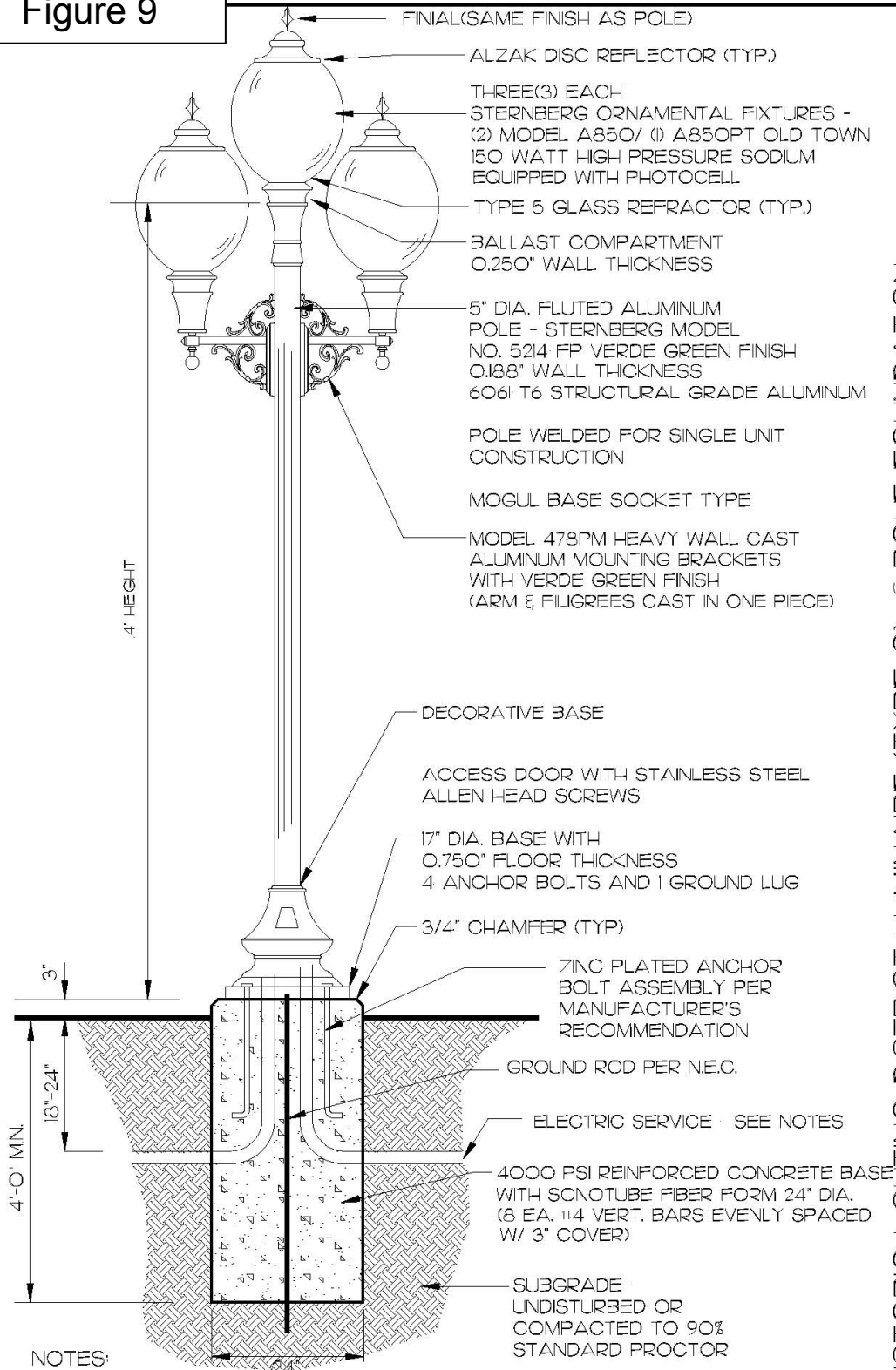
HISTORIC LIGHTING DISTRICT LUMNAIRE (TYPE B) AND POLE FOUNDATION

N.T.S.

SEE STANDARD DETAIL M-15 FOR HISTORIC LIGHTING DISTRICT

DWG No		M-13	
CITY OF SARATOGA SPRINGS, NEW YORK		Historic Street Light	
STANDARD DETAIL		M-13	
REVISED	DATE	APPROVED:	DATE
	2/04		
PLANNING BOARD		DATE	

Figure 9



NOTES:

1. INSTALLATION OF HISTORIC LIGHTS SHALL BE COORDINATED WITH THE CITY ELECTRICIAN AND DEPARTMENT OF PUBLIC WORKS.
2. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ELECTRIFYING THE SYSTEM AND PAYING THE ELECTRIC BILLS UNTIL ACCEPTED AND TAKEN OVER BY THE CITY OF SARATOGA SPRINGS.
3. ELECTRIC SERVICE: SWEEPS AT CONCRETE BASES AND BETWEEN BASES USE 2" SCH. 80 PVC NON METALLIC CONDUIT. FOR WIRE: 3 CONDUCTOR CABLE FUSED AT BEGINNING OF SERVICE, NO. 2 WIRE, 120 VOLT, 100 AMP CABLE.

TRIPLE HISTORIC LIGHTING DISTRICT LUMINAIRE (TYPE C) & POLE FOUNDATION

SEE STANDARD DETAIL M-15 FOR HISTORIC LIGHTING DISTRICT

N.T.S.

REVISED	DATE	APPROVED:	CITY OF SARATOGA SPRINGS, NEW YORK	DWG No
	2/04			
PLANNING BOARD			STANDARD DETAIL	M-14
			Triple Historic Street Light	

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

**Street Light Spacing
By Zoning District**

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

- f. For other districts not listed above, spacing of street lighting will be determined during the review process.
 - h. The *Board* or the Department of Public Works may change these standards in cases of unusual circumstances.
4. Installation shall be as per the standards as set forth by the Department of Public Works or National Grid.

O. Standards for Driveways: All driveways providing access from a public *street* to any permitted use or structure shall comply with the following regulations:

1. Driveways shall enter the *street right-of-way* at an angle as near ninety degrees (90°) as site conditions will permit and in no case less than seventy-five degrees (75°) or more than one hundred, five degrees (105°).
2. The portion of the driveway lying between the *street right-of-way* and the edge of the paved *street* shall be surfaced in accord with the City's Standard Construction Details for Residential and Non-residential Driveways. The surface of any driveway subject to site plan approval shall be constructed with permanent pavement and paved for a length of seventy feet (70') back from the *right-of-way edge*.
3. Curbs shall be depressed at driveway entrances. Where curbing does not exist and conditions warrant, an adequate culvert shall be installed.
4. Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Driveway profiles and grades shall be submitted to and approved by the *City Engineer*.
5. Should a sidewalk be located or required along the *street*, the sidewalk shall continue in line and grade and the driveway between the depressed curb and walk properly ramped. The ramp must meet ANSI standards with a slope of 1:12, eight percent (8%).
6. All entrance and exit driveways to a *street* shall be located to afford maximum safety to traffic on the *street*.
7. Exit drives shall be designed and located to permit the following sight distance measured in each direction along the abutting *street*:

Sight Distance for Driveway Locations

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

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

Q. *Street* Tree Plantings:

1. *Street* trees shall be planted throughout residential *subdivisions*, which do not have major existing trees and when curbs and sidewalks are included

in the design.

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

Small Tree Recommendations

<i>Amelanchier species</i>	<i>Serviceberry</i>
<i>Malus species</i>	<i>Flowering Crabapple (non-fruiting)</i>
<i>Crataegus crus-galli v. inermis</i>	<i>Thornless Cockspur Hawthorn</i>
<i>Carpinus caroliniana</i>	<i>American Hornbeam</i>
<i>Syringa reticulata</i>	<i>Japanese Tree Lilac</i>
<i>Prunus virginiana</i>	<i>Canada Red Chokecherry</i>

~~[Cercis canadensis]~~	~~[Eastern Redbud]~~
~~[Cornus florida]~~	~~[Flowering Dogwood]~~
~~[Cornus alternifolia]~~	~~[Pagoda Dogwood]~~

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

Medium-Large Tree Recommendations*

~~Fraxinus pennsylvanica~~	~~Green Ash~~
Acer rubrum	Red Maple
~~[Acer saccharum]~~	~~[Sugar Maple]~~
~~[Betula nigra]~~	~~[River Birch]~~
~~Tilia cordata~~ [Americana]	~~Little Leaf Linden~~ [American Basswood]
~~Ulmus species~~ [Americana]	~~[American] Elm Hybrids~~ [(disease-resistant cultivars such as Princeton and Valley Forge)]
Quercus rubra	Northern Red Oak
~~[Quercus alba]~~	~~[White Oak]~~
~~[Quercus coccinea]~~	~~[Scarlet Oak]~~
~~[Quercus palustris]~~	~~[Pin Oak]~~
~~Pyrus calleryana~~	~~Gallery Pear (Bradford species not permitted)~~
Celtus occidentalis	Hackberry
Gleditsia triacanthos v. inermis	Thornless Honeylocust
Ginkgo biloba (male only)	Ginkgo
~~[Gymnocladus dioica]~~	~~[Kentucky Coffeetree (male only)]~~
~~[Liriodendron tulipifera]~~	~~[Tulip Poplar]~~
~~[Nyssa sylvatica]~~	~~[Black Tupelo]~~
~~[Ostrya virginiana]~~	~~[Hophornbeam]~~
~~[Platanus occidentalis]~~	~~[American Sycamore]~~

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

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

R. Recreation Land Requirements:

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

recommendations.

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

PERFORMANCE IMPROVEMENTS AND PERFORMANCE GUARANTEES

§ 1. General Provisions

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

§ 2. Required Improvements

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

A. Required Improvements: The *Board* shall require the installation of the following improvements including all off-site facilities required to service the *subdivision*, unless it shall specifically waive in writing any such improvements as provided in Article VI.

1. Parks, playgrounds, or other public open spaces of adequate size and location for recreational purposes;
2. Paved *streets* and *roadways*;
3. *Street* signs and posts;
4. Pedestrian ways;
5. *Street* lighting;
6. Curbs or swales;
7. *Street* trees;
8. Water mains and fire hydrants and any other required water system facilities;
9. Sanitary sewage collection and disposal facilities;
10. Storm drainage system;
11. Seeding or sodding of planting strips with lawn areas; and
12. *Monuments* suitably placed and installed.

B. Standards for Installation: All required on-site and off-site improvements shall be installed in accordance with standards, specifications, and procedures acceptable to the appropriate *City* departments or as provided for in these Regulations.

C. Modification of Design of Improvements: If at any time before or during *construction* of the required improvements it is satisfactorily demonstrated to the *City Engineer* that unforeseen conditions make it necessary or desirable to modify the location or design of such required improvements, the *City Engineer* may, upon concurrence of the Chairperson of the *Board*, authorize minor modifications which are within the spirit and intent of the *Board's* approval and do not waive or substantially alter the function of any of the improvements required by the *Board*. The *City Engineer* after consultation with the *Commissioner of Public Works*, and the *Commissioner of Public Safety* shall issue any such authorization under this provision in writing and shall transmit a

copy of such authorization to the *Board*.

D. Inspections of Improvements:

1. *Pre-construction* Conference: Under normal conditions a *pre-construction* meeting shall be held with the Department of Public Works (Office of the *City Engineer*) to discuss *construction* schedules and inspection requirements. No *construction* on the *subdivision* should occur before this conference.
2. Notification: The *owner* or designated representative shall be responsible for notifying the Department of Public Works (Office of the *City Engineer*) forty-eight (48) hours prior to commencing any work.
3. The Department of Public Works (Office of the *City Engineer*), upon notification, will inspect or designate an independent consultant to inspect the required *construction* activity. The City on a rate established annually by the City Council will bill all inspection fees to the owner. The inspection fees for the *subdivision* shall not exceed five percent (5%) of the cost of the installation of the required improvements. Such notification is generally required prior to each of the following phases of *construction*:
 - a. Site clearing;
 - b. Sanitary sewer installation;
 - c. Storm sewer installation;
 - d. Waterline installation;
 - e. Sub grade preparation;
 - f. Gravel installation;
 - g. Asphalt binder and wearing courses and curbing; and
 - h. Any special *construction*.The applicant is responsible for providing inspections of the work by a licensed professional or an individual under their supervision.
4. In addition, forty-eight (48) hours notification will be required prior to resuming work if Contractor is absent from the site for more than seven (7) days.
5. All these items and any others designated by the Department of Public Works (Office of the *City Engineer*) shall be inspected before work is covered up or it will be subject to rejection or excavation and inspection by *applicant* at his expense prior to acceptance.
6. The inspection process by the Department of Public Works (Office of the *City Engineer*) shall not be a resident full time inspection. Rather it shall be a series of spot inspections to insure for the *City* that installations are in general conformance with approved standards. *City* inspections shall not relieve the developer and contractor from responsibilities to insure that all work is constructed in accord with *City* standards.
7. Proper Installation of Improvements: If the Department of Public Works (Office of the *City Engineer*) shall find, upon inspection of the improvements performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the *sub-divider*, he shall so report to the *City Attorney*, the Building Inspector and the *Board*. The *City Attorney* shall then notify the *sub-divider* and, if necessary, the financial guarantor, and take all necessary steps to preserve the *City's* rights under the bond.
8. Issuance of Stop Orders: Whenever the Department of Public Works (Office of the *City Engineer*) has reasonable grounds to believe that work on any site improvement is occurring either in violation of the provisions of this

subdivision regulation, not in conformity with any application made, permit granted or other approval issued hereunder, or in an unsafe or dangerous manner, the Department of Public Works (Office of the *City Engineer*) shall promptly notify the appropriate person(s) responsible to suspend work on any such building or structure or the use of any such land. Such person(s) shall forthwith immediately cease and suspend such activity until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person(s) whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the improvements under *construction* and additionally sending a copy of the same to the *applicant* listed on the *subdivision* application by certified or registered mail. The Department of Public Works (Office of the *City Engineer*), on its own initiative, may inspect and issue a stop order. The Department of Public Works (Office of the *City Engineer*) does not have to receive written notice of an alleged violation.

9. Emergency Action: If, in the opinion of the Department of Public Works (Office of the *City Engineer*), a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, or general welfare of the public, the Department of Public Works (Office of the *City Engineer*) may direct such violation to be immediately remedied or may take direct action on his own initiative to abate the hazard or danger. The owner of such property for which the project is being constructed shall pay for any costs incurred by such action. If a person other than the *owner* is responsible for the violation, such person shall be jointly and severally liable, together with such *owner*, for any such costs. The Department of Public Works (Office of the *City Engineer*) shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses, or to place a lien against the property, in order to recover the said costs. The removal of any liens shall be a condition for any further approval or activity by the *City* in regard to this project.

§ 3. Performance Guarantees for Required Improvements

A. General Provisions. A *letter of credit*, *performance bond*, or equivalent security shall be delivered to the *City* to guarantee thereby to the *City* that the *applicant* shall faithfully cause to be constructed and completed within a reasonable time the required improvements and convey the required lands and improvements, where applicable, to the *City* free and clear of all encumbrances.

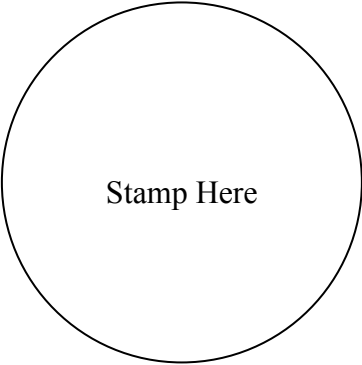
B. Procedures:

1. The *City* shall require *financial security* for any *construction* involving *roadways*, curbs, sidewalks, utilities and *street* lighting on all *subdivisions* in accord with the *City's subdivision* rules and regulations.
2. The *applicant* may request a waiver, particularly with subdivisions that fulfill a public purpose or are owned by a non-profit entity, from the *financial security* provisions of this article. The request shall be made in writing to the *Board* and state the extenuating circumstances that are relevant for the *Board's* consideration of the request. The *Board* at their discretion, will

- approve, disapprove or modify the waiver request.
3. *Financial security* is to be provided to cover the full estimated cost of *construction* in accord with standards established by the *City Engineer* after consultation with the *Commissioner of Public Works*.
 4. Estimates of *construction* costs are to be submitted to the *Board* by the *applicant's* licensed engineer/surveyor/landscape architect. The estimates must be approved by the *Board* after consultation with the *City Engineer* and the *Commissioner of Public Works*.
 5. The *financial security* must be submitted to the *City* prior to *final subdivision approval* of a *plat*. The *Board* may issue final approval with the condition that a *financial security* be received before the Chairperson signs the *final plat* plan which is to be filed with the County Clerk. The *Board* may issue any reasonable conditions with the required *financial security*.
 6. The *financial security* provided is to identify the "City of Saratoga Springs" as the Beneficiary and will state that fund may be collected at an institution/location within forty (40) miles of the Saratoga Springs municipal boundaries upon receipt of a written demand from the "City Attorney of the City of Saratoga Springs." Legal and administrative costs incurred by the *City* associated with the collection of a *financial security* will be reimbursed to the *City* from the amount set aside in the performance guarantee. The aforementioned cost shall not exceed one percent (1%) of the total amount of the *financial security*.
 7. Applicant may set the expiration date for the *financial security* but in no case can it be longer than twenty-four (24) months from the date of issuance.
 8. With thirty (30) days written notice, the *financial security* may be extended for a period not to exceed twelve (12) months at each occurrence. All extensions require a motion of approval by the *Board*. For each extension the *Board* can require a revised cost estimate and alter the sum required on the *financial security*.
 9. All requests for an extension of time and/or reduction shall be accompanied by an application fee as specified in the Fee Schedule in Appendix A.
 10. The *financial security* will be canceled by written notice from the *City* once the *applicant* has satisfactorily completed all required *construction* and the improvements are accepted by a vote of the City Council and transfer of title.
 11. With thirty (30) days notice the *applicant* may request an amendment to any *financial security* for a reduction of the original amount after a portion of the required improvements is completed. Upon receiving such a request, the *Board* will instruct the *City Engineer* to inspect the improvements. If the inspection is satisfactory upon recommendation by the *City Engineer*, after consultation with the *Commissioner of Public Works*, the *Board* will by motion determine if such a reduction is appropriate and if so reduce the amount required and proof of this reduction will be set forth in a letter by the *City Attorney* and forwarded to the appropriate financial institution who will in turn issue an amended *financial security* to the *City*.
 12. All *financial securities* shall comply with current codes established by the State of New York. Such securities shall be issued by a financial institution approved by the *City Attorney* and shall also be approved by such *City Attorney* as to form, sufficiency and manor of execution.

C. "As-Built" Drawing Required: No required improvements shall be considered to be completed until the installation of the improvements has

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

<u>RECORD DRAWING CERTIFICATION:</u>	
	I, _____, Registered Professional Engineer No. ___, in the State of New York, do hereby certify that this drawing stamped by me as "As-Built" shows the actual facilities for this project as they were installed in the field.
	Certification of "as-built" conditions as required herein will require the presence of the certifying engineer or his representatives at the site during construction to document the actual conditions.

§ 4. General Liability Requirements

- A. Filing Requirement: The *applicant* shall file with the *City Engineer* a General Liability Insurance Policy at the same time that he files his performance guarantee. The policy shall be in force during the term of the performance guarantee and shall be extended in conformance with any extension of the performance guarantee. The *applicant* shall additionally file a copy of said certified check or other performance guarantee with the *Board*.
- B. Limits of Coverage: The policy shall insure the *City* and the *applicant* and shall cover all operations in the *development* involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have minimum limits of liability and five hundred thousand dollars (\$500,000) combine single limit per occurrence and \$500,000 in the aggregate. In addition, in all instances an *owners* and Contractor Protective Policy (OCP) in the name of the City of Saratoga Springs shall be provided with a combined single limit of \$500,000 per occurrence, \$500,000 aggregate, or, in certain instances, such higher limits as the *Board* may require, upon recommendation of the designated *City Engineer*.

§ 5. Public Franchise Utilities

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

§ 6. Acceptance of Streets by the City

- A. General Provisions. All *streets* to be dedicated to the *City* must be accepted by the City Council as follows:
 - 1. In general, *streets* proposed for dedication will be formally presented to the City Council for a decision on acceptance.
 - 2. Prior to this presentation the developer must have satisfactorily completed all work associated with the right of ways to be dedicated (curb, sidewalks, pavements, all utilities, etc.) and submit a written request to the *Commissioner of Public Works* asking for the *streets* to be accepted by the *City*.
 - 3. Proposed description of *streets* to be dedicated to the *City* must be submitted to *City* Attorney sixty (60) days in advance of scheduled action by the City Council. Description must conform to the filed and approved *subdivision* map.
 - 4. Approximately one month before desired Council action, a final inspection by developer (or his representative) and *City* officials will be made to determine conformance with the approved plan. Deficiencies found on this inspection must be corrected to the satisfaction of the *City* prior to presentation to the City Council for dedication.
 - 5. The Council shall not act on the acceptance until the following requirements have been met:
 - a. Two (2) sets of reproducible mylars of the “as-built” drawings of the *streets* and utilities. These “as-built” drawings will serve as certification that *construction* has been generally performed in accordance with the *final plat*, and shall be stamped by the Licensed Professional Engineer who performed the *construction* inspections and with a certification as set forth in Section 3, Paragraph C, that the plans represent conditions of actual installation of facilities being dedicated to the *City*. “As-Built” drawings must accurately locate by triangulation all water corporation, curb cocks, all mainline waterline and hydrant valves, sanitary system “Y” or “T” at main for laterals and location of laterals at property line. In the event that the sanitary collection system is to be dedicated to the Saratoga County Sewer District, then one (1) additional set of reproducible mylars of the “as-built” drawings shall be submitted to the County Sewer District for their record. The as-built drawing must show the actual field location of all underground utilities including lengths of pipes, rim elevations, frame elevations, type of pipe material, inverts, percent-of-grade for sanitary and storm sewers, ties to all wyes and curb boxes, lengths of pipe between all appurtenances (i.e., valves, tees, bends, hydrants, etc.). In addition, the drawing must show light poles, curbing, trees, sidewalks, bench marks, monumentation, retention/detention areas, berms, retaining walls, parking and traffic

- control signs, etc.
- b. Offer of Cession.
- c. Original and two (2) copies of the proposed deed. The deed should state that the City of Saratoga Springs is “ a municipal corporation, organized and existing by virtue of the laws of the State of New York. “ The first paragraph of the deed should state, not only the date and title and surveyor of the *survey*, but also the date of filing thereof in the Saratoga County Clerk’s Office and the drawer number assigned thereto.
- d. An up-to-date abstract of title to land.
- e. Upon acceptance of the *street* by the City Council the *applicant* will be responsible for the filing of the deed with the County of Saratoga and fees incurred with the filing and for recordation. A copy of the filed deed will then be filed with the *City Attorney*.
- f. Acceptance of Dedication Offers: Acceptance of formal offers of dedication of *streets*, public areas, *easements*, and parks shall be by ordinance of the local government governing body. The approval by the *Board* of a *subdivision plat* shall not be deemed to constitute or imply the acceptance by the local government of any *street*, *easement*, or park shown on said *plat*. The *Board* may require said *plat* to be endorsed with appropriate notes to this effect.
- g. Maintenance of Improvements: The *applicant* shall be required to maintain all improvements on the individual subdivided *lots* and provide for snow removal on *streets* and sidewalks, if required, until acceptance of said improvements by the governing body. If there are any certificates of occupancy on a *street* not dedicated to the local government, the local government may on twelve (12) hours notice plow the *street* or effect emergency repairs and charge same to *applicant*.
- i. Maintenance Security: The *applicant* shall file with the *City* a maintenance bond, *letter of credit* or equivalent security in an amount based on a maximum of ten percent (10%) of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition of the initial public improvements for a period of one (1) year following their completion and acceptance, where applicable, by the City Council.
- j. Such security shall be satisfactory to the *City Attorney* as to form, manner of execution and surety and in an amount satisfactory to the *City Engineer* after consultation with the *Commissioner of Public Works* and the *Commissioner of Public Safety*. The *sub-divider* shall additionally file a copy of said certified check or other performance guarantee with the *Board*. Such security is intended to cover only defective materials or *construction*.

§ 7. Certificates of Occupancy

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



CITY OF SARATOGA SPRINGS

DEPT. OF PUBLIC WORKS

THOMAS G. MCTYGUE, COMMISSIONER



City Hall - 474 Broadway
Saratoga Springs, New York 12866-2296
Tel: 518-587-3550 Fax: 518-580-9480

STREET ACCEPTANCE CHECKLIST

Rev:

Project Name:

Completed:		ITEMS TO COMPLETE:
YES	NO	
☐	☐	1. Send letter to Commissioner of Public Works requesting street acceptance. A map of the streets should be included with the letter.
☐	☐	2. Deeds for the street(s) to be accepted filed with the City Attorney's Office.
☐	☐	3. As-built drawings of streets filed with the City Engineer's Office.
☐	☐	4. Inspection done by the City Engineer's Office and the Department of Public Works.
☐	☐	5. Street signs purchased by the developer and properly installed.
☐	☐	6. Map of street light locations including the following: • Location of each circuit; and

☐ ☐ ☐ ☐ ☐ ☐	• The wattage for each light; and • The location and type of each light.
☐ ☐	7. Submit map to the Department of Public Works and City Electrician for review and approval.
	ITEMS TO COMPLETE FOR SNOWPLOWING <u>ONLY</u>
☐ ☐	1. Send letter to Commissioner of Public Works and a map of street(s) to be plowed.
☐ ☐	2. Manholes level with road surface.

SECTION 13. This local law shall take effect the day after publication as provided by the Municipal Home Rule Law of the State of New York.

ADOPTED: