

CITY OF ALBANY
LAND SUBDIVISION REGULATIONS

SECTION 1.

By an ordinance adopted by the Common Council on the 19th day of August, 1957, pursuant to the provisions of Article 3 of the General City law, and as amended, the Planning Board of the City of Albany has the power and authority to approve plats for subdivisions within the City.

SECTION 2. Definitions

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

Board - means the Planning Board of the City of Albany.

Engineer - means the duly designated engineer of the City of Albany.

Preliminary Layout - means the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Plats - means the final map, drawing, or chart of which the subdivider's plan of subdivision is presented to the Planning Board for approval, and which, if approved, will be submitted to the county clerk or registrar for recording.

Subdivision - means the division of any parcel of land into two or more lots, blocks, or sites, with or without streets or highways and includes re-subdivision.

Major Subdivision - means any subdivision not classified as Minor Subdivision.

Minor Subdivision - means any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property.

SECTION 3. Procedure

A. Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made, and before any permit for the erection of structure shall be granted, the subdivider, or owner thereof, or his agent shall apply in writing to the Board for approval of such subdivision. The application of the subdivider, owner, or agent to the Board shall conform to the specifications in Sections 4,5,6 and 7 of these regulations.

B. The preliminary layout, topographic map, street profiles and formal subdivision plat and all procedures relating thereto shall in all respects be in full compliance with the provisions of Sections 32 and 33 of the General City Law and these regulations except where variation therefrom may be specifically authorized by the Board.

C. Three copies of each of the preliminary layout, as described in Section 5 designated as such at the scale of not more than 100 feet to the inch, topographic map at the same scale and proposed street profiles at appropriate scales shall be filed with the Board. The Board shall then study the preliminary layout and proposed street profiles in connection with the topography of the area, the existing requirements of the zoning ordinance, the Master Plan, and the Official Map, if any, and shall take into consideration the general requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to matters enumerated in Section 33 of the General City Law as well as to specific requirements for parks, playgrounds, school sites, boulevards and main thorough-fares, the adequacy of street connections and the suitability of the land for development.

D. After arriving at tentative conclusions the Board shall discuss the preliminary layout with the subdivider or his agents at a regular meeting of the Board. After such discussion, the Board shall communicate in writing within thirty (30) days to the developer (2) the specific changes which it will require in the preliminary lay-out, (2) the character and extent of the required public improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare, (3) the amount of construction or improvement or the amount of the performance bond therefore which it will require as prerequisite to the approval of the formal subdivision plat to be submitted subsequently. At this time, it shall be the duty of the subdivider to obtain written approval of his plan by the County Health Department.

E. The subdivider, after official notification by the Board with respect to the preliminary layout and the changes, if any to be made therein, shall within **six months** thereafter file with the Board original drawings of the formal subdivision plat and street profiles. These drawings shall be on tracing cloth in sheets 18 inches wide by 32 inches long and to a scale of not more than 100 feet to the inch and preferable 50 feet to the inch, except when more than one sheet is required, and additional index sheet of the same size shall be filed showing the appropriate scale the entire subdivision on the one sheet with lot and block numbers. Before the Board acts on the formal subdivision plat it shall hold a formal hearing thereon in compliance with Section 32 of the General City Law. The Planning Board shall then, within 45 days from the date of submission of the formal plat, approve, modify and approve or disapprove such plat. Such approval shall, however, not be deemed final until the subdivider has complied with the provisions of the following paragraph.

F. The developer shall complete in accordance with the Board's decision, to the satisfaction of the engineer and any other official or body authorized by law to act, all the street and sanitary improvements specified in Section 33 of the General City Law, and not specifically waived by the Board, or alternatively, shall file with the Board a performance bond complying with such Section 33 of the General City Law, satisfactory to the Corporation Counsel as to form, sufficiency, manner of execution and surety, for the completion of such improvements as are not constructed and not approved by the engineer and any other official or body authorized to act prior to the approval of the plat. The Board shall require a certificate from the engineer or other designated official as to the satisfactory character of improvements completed and from the Corporation Counsel as to adequacy of any bond, which may be proffered. The subdivider shall tender offers of cession in a form certified as satisfactory by the Corporation Counsel all land included in streets, highways, or parks, not specifically reserved by him, but approval of the plat by the Board shall constitute an acceptance by the City of the dedication of any street, highway, or park or other public open space.

G. After the completion of these details and notation to that effect upon the plat, it shall be deemed final approval and within 90 days thereafter the developer must file the plat with the County Clerk or Registrar. Otherwise such approval shall expire as provided in Section 32 of the General City Law.

H. Minor subdivisions shall be approved by the City Engineer. Any of the requirements of these regulations may be waived by said engineer, when, in his opinion, they are unnecessary for reviewing and approving said minor subdivision.

SECTION 4.

General Requirements for the Subdivision of Land

The subdivider shall observe the following general requirements and principals of land subdivision:

1. In general, the proposed subdivision shall conform to the Official Map, the Zoning Ordinance, the Master plan, if such exist.
2. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.
3. Major streets shall be such width as may be designated by the Board. As a general rule, the width of minor streets shall not be less than 60 feet.
4. There shall be a tangent of at least 100 feet between reverse curves.
5. Curb radii at intersections shall not be less than 20 feet and property lines shall be adjusted accordingly.
6. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street.
7. Grades of all streets shall conform in ^{general} to the terrain and shall be the reasonable minimum, but shall not be less than 0.75 percent no more than 10 percent for minor streets.
8. Paved rear streets of not less than 20 feet in width or in lieu thereof, adequate off-street loading space, suitable surfaced, shall be provided in connection with all lots designed for commercial use.
9. In front of areas designed and zoned or where a petition for a change in zoning is completed for commercial use, to permit such use the street width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

10. In general, street lines within a block deflecting from each other at any one point more than 10 degrees shall be connected with a curve, the radius of which for the inner street lines shall be not less than 350 feet on main thoroughfares, 250 feet on secondary thoroughfares, and 200 feet on local streets. The outer street line in each case shall be parallel to such inner street line.

SECTION 5.

The Preliminary Layout

Subdividers shall present to the Board a preliminary layout. Three copies shall be filed at the scale of not more than 100 feet to the inch and preferably at 50 feet to the inch, showing or accompanied by the following information:

1. Proposed subdivision name and identifying title.
2. Name and address of record owner, subdivider, and designer of preliminary layout.
3. Location of property lines, existing easements, buildings, water courses and other essential features.
4. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
5. Topography (not larger than a five foot contour interval), major rock outcroppings, streams, marshy areas, wooded areas, individual trees over 12 inches in diameter, the location of any existing sewers and water mains, culverts and drains on the property to be subdivided.
6. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces and similarly facts regarding property adjacent.
7. The width and location of any street or other public ways or places shown upon the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the developer.
8. Typical cross sections of the proposed grading and roadways or sidewalks and topographic conditions.
9. Date, true north point, and scale.

10. Deed description and map of survey of tract boundary made and certified by licensed land surveyor.

11. Connection with existing water supply.

12. Connections with existing sanitary sewerage system.

13. Provisions for collecting and discharging surface drainage.

14. The preliminary layout shall show the proposed location of and type of sidewalks, and species of street trees, the location of curbs, gutters, water mains, sanitary sewers and storm drains and the sizes and types thereof, the character, width and depth of pavement and sub-base, the location of manholes and catch basins and underground conduits.

15. Detailed estimate of the cost of installing the improvements required in Section 7. All of the information set forth is required by the Board for the purpose of complying with Section 32 and 33 of the General City law and Health Law and for the information of public at the public hearings. Due care in the preparation of this material will expedite the process of passing upon the formal subdivision plat.

SECTION 6.

The Subdivision Plat

A. The subdivision plat submitted for approval and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth. The size of the sheets shall be 18 inches by 32 inches, including margin of one inch outside ruled border lines on three sides and two inches border along the left side of the 18 inch side for binding.

B. The drawing shall be at the scale of not more than 100 feet to the inch and preferably 50 feet to the inch. The subdivision plat shall show:

1. Proposed subdivision name or identifying title and then name of the City and County in which the subdivision is located, the name and address of record owner and the subdivider, name, license number, and seal of the licensed professional engineer or land surveyor.

2. Sufficient data acceptable to the engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments, included in the state system of plan coordinates,

and in any event should be tied to reference points previously established by a public authority.

3. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The final plan shall show the boundaries of the property, location, graphic scale and true north point.

4. Permanent reference monuments shall be shown thus "X". They shall be constructed in accordance with specifications of the engineer, and when referenced to the State system of plane coordinates shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the engineer and their location noted and referenced upon the plat.

5. Monuments of type approved by the engineer shall be set at all corners and angle points in streetlines, points of curve and such intermediate points as shall be required by the engineer.

SECTION 7. Required Improvements

The following improvements shall be constructed, installed or donated by the owner in accordance with standards, specifications and procedure acceptable to the appropriate city departments. Said improvements may be completed before the Board grants final approval of the plat or alternatively, that a performance bond sufficient to cover the full cost of the same as estimated by the Board as described in Section 33 of the General City Law shall be furnished to the City by the owner.

A. Streets

1. R-O-W minimum of 60 feet. Easements will be required where necessary to provide for extensions or connections with future streets. Cul-de-sacs shall have a minimum r-o-w diameter of 120 feet.

2. Pavement

a. Width (minimum)

- (1) minor street - 26 feet
- (2) collector street - 40 feet
- (3) cul-de-sac - 50 feet radius (outside)

b. Material - pavements may be constructed by any of the following combination of materials.

(1) 18 inch in r.o.b.
4 inch drybound (stone and sand fill) #3 stone and screenings.

(2) 18 inch in r.o.b.
4 inch - 45SN
2 1/2 inch in asphaltic concrete

(3) 12 inch in r.o.b.

9 inch reinforced concrete pavement

NOTE: all concrete shall be air entranced.

i. R.O.B. gravel base must extend 10 feet wider than pavement width indicated above.

ii. Maximum size of R.O.B. shall be 8" and minimum of 1/2".

Surety bond to be used to correct conditions if not built as per specifications.

3. Curbs - granite curbs shall be required in the urban areas of the City. Said curbs shall be set in a concrete support. The dimensions of said curbs shall be 6" by 18". Exposed surfaces shall be dressed; there shall be no sharp, exposed edges and 6" of the curb shall be above the level of the pavement.

4. Sidewalks - five foot sidewalks will be required along each side of all new streets. Said sidewalks may be 4" reinforced concrete or 6" non-reinforced concrete. These shall be constructed on a base of clean cinders or gravel in accordance with City standards. All concrete shall be air entrained.

5. Street signs shall be erected by developer and approved as to type by the City Engineer.

B. STORM SEWERS

The storm drainage plan shall be subject to the approval of the Engineer. All sewers, gutters, manholes, catch basins, culverts and related installations shall be installed by the developer. Storm sewers shall be on opposite side of street from water line.

C. SANITARY SEWERS

Sanitary sewers shall be designed and installed by the developer to the approval of the Engineer. They shall be on the opposite side of the street from the water line.

D. MONUMENTS

Standard city monuments set in concrete shall be used. If not available, then 4" square concrete or granite r-o-w markers with center punch or steel core shall be placed along one side of all new streets outlining the exact limits of the street and identifying each corner or change in direction. Maximum distance between markers shall be 500'.

E. TREES

At least one street tree, of a size and species as determined by the Board, shall be planted for each 50 feet of street frontage.

F. OPEN SPACE

The developer shall either donate land or make a payment to the City for the provision of recreation sites in the neighborhood as described in Section 33 of the General City Law. The Board shall determine if said donation shall be in land or as payment or as a combination of both.

1. *Land* - Land for park and playgrounds (including school playgrounds) shall be usable. It shall not be excessively steep nor shall it be marshy or subject to flooding. Said required donation shall not include more than 10 percent of the gross area of the subdivision.

2. *Payment* - a payment to the City of a dollar amount equal to 10% of full value of the land to be subdivided may be required. Said payment shall constitute a trust fund to be used by the Common Council exclusive for neighborhood park, playground or recreation purposes including the acquisition of land.

SECTION 8

Variances and Waivers

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

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

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

SECTION 9. Separability

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

RESIDENTIAL CLUSTER DEVELOPMENT

(From the City of Albany Zoning Ordinance)

Sec. 27-98.2 Purpose and Scope

In accordance with Section 37 of the General City Law:

A. The City of Albany Planning Board shall have the authority to permit or require residential cluster development and establish rules and regulations setting forth the conditions under which clustering would be required.

B. The purpose of cluster development shall be to provide greater flexibility in the planning or residential subdivision which will result in:

1. A choice in the types of environment and living units available to the public so that development will be a permanent asset to the City.
2. The preservation or creation of open space, recreation areas and environ-
mentally sensitive land areas.
3. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
4. An efficient use of land resulting in smaller networks of utilities and streets.
5. An environment in harmony with surrounding development.
6. A more desirable environment that would be possible through the strict application of other sections of law.
7. The preservation of areas which are physically, aesthetically, historically and environmentally unique by virtue of their geology, topography, vegetative cover of previous use. (P of Cc, P 1197, Sec. 1, 9-6-84).

Sec. 27-98.3 Additional Conditions.

A. A minimum four-acre parcel size is required before clustering will be permitted.

B. The proposed density of development shall be appropriate for and beneficial to the City of Albany in terms of density, aesthetics, economics and/or other criteria deemed and determined relevant by the Planning Board.

C. The proposed density of development shall not exceed the density permitted under the zoning classification where the development is to be located. In determining the allowable density for a given site, the Planning Board shall first determine the realistic capacity of the site if developed as a conventional subdivision. The capacity will then serve as the maximum number of dwelling units which may be clustered.

D. The proposed use is permitted under the existing zoning classification where such development is to be located.

E. All open space, recreation or common areas shall be managed and maintained in accordance with a form of legal ownership to be approved by the Planning Board.

F. In a cluster development, single-family detached units, with reduced lot sizes, townhouses in clusters of up to five (5) units or semidetached units will be permitted.

G. Lot size, width, front yard depth and side yard requirements, as otherwise established in other provisions hereof, may be varied by the Planning Board as part of the cluster subdivision approval process. (P of CC, P 1197, Sec. 1, 9/6/94)

Sec. 27-98.4 Reference of Applications to Planning Board

The Building Commissioner shall refer any and all applications for clustering to the Planning Board prior to the issuance of any permits. (P of CC, P 1197, Sec. 1, (1/6/ 84)

RULES AND REGULATIONS
FOR THE ESTABLISHMENT OF A

RESIDENTIAL CLUSTER DEVELOPMENT

These rules and regulations were adopted by resolution for the Planning Board on January 27, 1987.

1. A minimum of 4 acre parcel size is required before clustering will be permitted.
2. That the proposed cluster development would be appropriate for and beneficial to the City of Albany.
3. The proposed density of development shall not exceed the density permitted under the zoning classification where the development is to be located. In determining the allowable density for a given site, the Planning Board shall first determine the realistic capacity of the site if developed as a conventional subdivision. This capacity would then serve as the maximum number of dwelling units which could be clustered.
4. The proposed uses are permitted under the existing zoning classification where such development is to be located.
5. All open space, recreation or common areas shall be managed and maintained in accordance with a form of legal ownership to be approved by the Planning Board.
6. In a cluster development, single-family detached units with reduced lot sizes, town houses in clusters of up to 5 units, or semi-detached units will be permitted.
7. Lot size, width, front yard depth and side yard requirements, as established in the zoning ordinance, may be varied by the Planning Board as part of the cluster subdivision approval process.
8. The Planning Office staff shall determine the allowable density and/or total number of dwelling units based on a determination of those areas which are in fact developable minus areas to be used as roadways and any park set aside. The Planning staff shall make a recommendation as to the adequacy of proposed open space areas and their consistency with the requirements of Section 7F of the City subdivision regulations.

9. The Corporation Counsel's Office will make a recommendation to the Board as the adequacy of the form of legal ownership being proposed for open space areas before final action is taken. Corporation Counsel shall also confirm compliance of the proposal with the applicable provisions of General City Law Section 37 before final action is taken.

10. Required improvements as outlined in Section 7 of the City subdivision regulations shall apply to all cluster subdivisions. Any variance from these requirements must be approved in accordance with Section 8 of the City subdivision regulations.